



**COMMISSIONERS**

**Essex County**

Hon. Edwin E. Smith, Jr.  
Hon. John C. Magruder  
Ms. Sarah Pope

**Town of Tappahannock**

Hon. A. Fleet Dillard, III

**Gloucester County**

Hon. Ashley C. Chriscoe  
(Chairman)  
Hon. Michael W. Hedrick  
Dr. William G. Reay

**King and Queen County**

Hon. Sherrin C. Alsop  
Hon. R. F. Bailey  
Ms. Vivian Seay

**King William County**

Hon. Edwin H. Moren, Jr.  
Hon. Travis J. Moskalski  
(Vice-Chairman)  
Mr. Otto O. Williams  
Mr. Percy C. Ashcraft

**Town of West Point**

Hon. James M. Pruett  
Mr. John B. Edwards, Jr.

**Mathews County**

Hon. Melissa Mason  
Hon. David Jones  
Mr. Harry Meeks  
Ms. Ramona Wilson

**Middlesex County**

Hon. Wayne H. Jessie, Sr.  
(Treasurer)  
Hon. Reggie Williams, Sr.  
Ms. Kendall Webre

**Town of Urbanna**

Hon. Dr. William T. Goldsmith

**Secretary/Director**

Mr. Lewis L. Lawrence, III

**MEMORANDUM**

**TO: MPPDC Board of Commissioners**  
**FROM: Lewis Lawrence, Executive Director**  
**DATE: April 21, 2023**  
**RE: April Commission Meeting**

The Middle Peninsula Planning District Commission will host its monthly meeting on Wednesday, April 26, 2023 at 7:00 p.m. in the Regional Board Room at the Middle Peninsula Planning District Commission office in Saluda.

Masking is not a requirement of the CDC or the Governor. If any Commissioner desires a mask for the meeting, staff will provide such.

Enclosed are the April meeting agenda and supporting materials for your review prior to the meeting.

If you have any questions concerning material in your agenda packet, please give me a call at 804-758-2311 or email me at [LLawrence@mppdc.com](mailto:LLawrence@mppdc.com).

I look forward to seeing you on **April 26<sup>th</sup>**!

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***Middle Peninsula Planning District Commission Meeting***

**7:00 P.M.**

**Wednesday, April 26, 2023**

**125 Bowden Street**

**Saluda VA 23149**

- I. Welcome and Introductions
- II. Approval of March Minutes
- III. Approval of Financial Report for March
- IV. Executive Director's Report on Staff Activities for the month of April
- V. MPCBPAA Update
- VI. MPA Update
- VII. MPPC Public Relations/Communications Update
- VIII. Public Comment

**AGENDA ITEMS FOR DISCUSSION**

- IX. DEQ and Environmental Justice in the Permitting Process
- X. VDOT Presentation – Discussion about Secondary Roads (*Tentative*)
- XI. Middle Peninsula Septic Funding Update
  - Funding Available
  - Fleet Purchase Model \$700,000
- XII. Other Business
- XIII. Adjournment

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# MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

March 22, 2023  
Saluda, Virginia

## **I. Welcome and Introductions**

The monthly meeting of the Middle Peninsula Planning District Commission was held in the Regional Board Room at the Middle Peninsula Planning District Commission office in Saluda, Virginia on Wednesday, March 22, 2023 at 7:00 p.m. In the absence of the MPPDC Chairman, Vice-Chairman Moskalski welcomed everyone in attendance.

### **Commissioners Present**

Essex County: Sarah Pope

King and Queen County: Vivian Seay

King William County: Ed Moren, Travis Moskalski, Otto Williams

Mathews County: Harry Meeks, Ramona Wilson

Middlesex County: Wayne Jessie, Kendall Webre

Town of Tappahannock: Fleet Dillard

Town of West Point: Jamie Pruett, John Edwards

Town of Urbanna: Bill Goldsmith

### **Commissioners Absent**

Essex County: Bud Smith, Sarah Pope

Gloucester County: Ashley Chriscoe, Dr. Willy Reay, Michael Hedrick

King and Queen County: Sherrin Alsop, R.F. Bailey

King William County: Percy Ashcraft

Mathews County: Melissa Mason, David Jones

Middlesex County: Reggie Williams

### **Also in Attendance**

Lewie Lawrence, MPPDC Executive Director

Curt Smith, MPPDC Deputy Director

Heather Modispaw, MPPDC Chief Financial Officer

Dawn Mantell, Executive Assistant

## **II. Approval of February Minutes**

Vice-Chairman Moskalski asked whether there were any corrections or changes to the February Minutes. There being no corrections to the Minutes, Vice-Chairman Moskalski requested a motion to approve the February Minutes. Mr. Jessie moved that the February Minutes be approved. Mr. O. Williams seconded the motion; motion carried.

## **III. Approval of Financial Report for February**

MPPDC Chief Financial Officer, Heather Modispaw presented the Financial Report for February and reported the USDOT has approved the FY23 Indirect Cost Allocation Plan and preparation of the FY24 budget will begin next month. Vice-Chairman Moskalski asked whether there were any questions regarding the MPPDC financial report for February before being approved subject to audit. There being no questions,

Vice-Chairman Moskalski requested a motion to approve the financial report for February subject to audit. Mr. Jessie moved to approve the financial report for February subject to audit. Ms. Vivian Seay seconded the motion; motion carried.

#### **IV. Executive Director's Report on Staff Activities for the Month of March**

Vice-Chairman Moskalski requested MPPDC Executive Director, Lewie Lawrence review the Executive Director's Report on Staff Activities for March. The Executive Director's Report on staff activities is developed at a monthly staff meeting, organized by PDC Service Centers, and the activities are used to report grant funding activities.

Mr. Lawrence directed the Commissioners' attention to a few items:

- Continued conversation with Virginia Sea Grant on ways to cover the match requirement of both DCR Flood Fund award and GO Virginia award since it was decided that DCR Flood Funds cannot be used as match for GO Virginia. *Mr. Lawrence reported that additional matching funds are being sought to cover the matching funds requirement for the DCR Flood Fund award for the Town of West Point's bridge study project adjacent to the Middle Peninsula Regional Airport.*
- Submitted claim to VACORP regarding trespassing vessel that caused damage to the pier at Perrins Wharf. An eyewitness provided their name, phone number, and information which has been given to VACORP for their investigation. *Mr. Lawrence reported a trespassing vessel recently damaged the pier at Perrins Wharf owned by the PAA. As staff surveyed the damage, an eyewitness came forward with information that could possibly answer some of the long-standing questions. That information was turned over to VACORP to investigate. Mr. Lawrence explained to the Commission the ongoing trespassing problem of boats docking at Perrins Wharf while not paying slip rent or registering with the PAA.*
- Construction has reached the 95% level with time of the year restrictions remaining for plant installation. *Mr. Lawrence reported the plants are slated to be installed sometime in April.*
- Staff are continuing to analyze which projects were awarded money and which projects were rejected. *Mr. Lawrence stated that once staff has completed analyzing the Fight the Flood program award, qualified homeowners will then be notified.*
- Participated in a resiliency panel discussion regarding an upcoming presentation at Environment Virginia Conference, the Commonwealth's premiere conference on environmental matters. MPPDC staff will present on the complex financial system required to administer and fund a resiliency program. *Mr. Lawrence reported that he would travel to Lexington next week to provide insight and lessons learned from the MPPDC's programs to environmental leaders from around the Commonwealth.*
- Consulted with Delegate Keith Hodges regarding the closing of the Virginia

Coastal Policy Center and the implications for coastal Virginia. Discussed strategies and the need for keeping the center active to provide legal advice for coastal resiliency projects. *Mr. Lawrence reported the closing of the Virginia Coastal Policy Center was unforeseen, even to the Center's staff. Significant pressure has been placed on W&M by government entities who have utilized and found value in the services the VCPC provided. Rehoming the program to allow for its continuation of valuable services has been discussed and Mr. Lawrence will keep the Commission posted.*

- Initiated research regarding septic issues at the old Crown Point marina located on Perrin River. Discussed the need for a coordinated meeting with Three Rivers Health District, Delegate Keith Hodges, and VDH Central office representatives. *Mr. Lawrence explained how there was need to review the current septic regulations and explore potential solutions through the General Assembly as needed.*
- Consulted with legal counsel, representing the new owners of the old Yogi Bear Campground in Gloucester County, regarding various septic challenges associated with the campground and funding available to assist. *Mr. Lawrence discussed the septic challenges these local businesses encounter, and the expense of pump and haul versus the expense of \$2M to upgrade their septic systems. Waterfront businesses need a more effective solution to manage septic.*

#### **V. MPCBPAA Update**

MPCBPAA Chairman, John Edwards encouraged those present to visit the Pier Pressure website and support the PAA's crowdfunding campaign by donating funds for the new fishing pier at Captain Sinclair's.

#### **VI. MPA Update**

MPA Secretary, Lewie Lawrence reported the MPA continues to wait on the IRS and hopes to reconvene as soon as this matter has been resolved.

#### **VII. MPPDC Public Relations/Communications Update**

MPPDC Executive Director, Lewie Lawrence reported Ms. Heinatz, Consociate Media was unable to attend the Commission Meeting due to an invitation to the Governor's Mansion. MidPen Rideshare and Virginia's Coastal Wilds rack cards were distributed at the meeting for each locality to place in their administrative office buildings.

#### **VIII. Public Comment**

None.

#### **IX. VDOT Rural Transportation Planning Program Grant Resolution**

MPPDC Deputy Director, Curt Smith presented a draft resolution pertaining to the annual VDOT RTP Technical Assistance Grant. The MPPDC has received this grant on an annually recurring basis for many years and a resolution from the Commission

is a required element for each year's application. This resolution directs Executive Director, Lewie Lawrence to submit the application on behalf of the MPPDC. The Scope of Work will be similar as in prior years, including maintaining the transportation plan while placing a new emphasis on updating the Long-Range Transportation Plan and beginning to utilize the new project screening tool . Vice-Chairman Moskalski requested a motion to accept the resolution as presented. Mr.Dillard moved to accept the resolution as presented. Ms. Seay seconded the motion; motion carried.

**X. Dominion Energy Data Center**

MPPDC Executive Director, Lewie Lawrence gave a PowerPoint presentation provided by Dominion Energy regarding Data Centers as a different type of economic development for local government. Topics included: Objectives; Market Overview & Trends; 5 Types of Data Centers; What does a data center look like?; Must-Haves to be Competitive; Transmission Infrastructure; Site Selection; Cost of Electricity; Other Infrastructure; Tax Rates; and What does success look like? Mr. Lawrence offered to arrange a meeting between interested localities and Dominion Energy's Economic Development Team.

**XI. Other Business:**

MPPDC Deputy Director, Curt Smith announced the release of the U.S. Army Corp of Engineers (ACOE) FY23 work plan. The ACOE has allocated funding for the following projects in the Middle Peninsula: \$1.858M for upland disposal at Davis Creek; \$3.2M for dredging at Winter Harbor; \$400k for continuance of the 53-acre oyster reef near the mouth of the Piankatank River; and \$1.88M for channel condition surveys for Virginia Waterways.

**XII. Adjournment**

Vice-Chairman Moskalski requested a motion to adjourn. Mr. O. Williams so moved, Mr. Dillard seconded; motion carried.

*\*Note: All handouts distributed at a meeting are filed in the official MPPDC record book of the minutes. Copies of all PowerPoint presentations, if any, are filed with the official minutes.*

COPY TESTE:

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(Secretary)



## Project Financial Report

Middle Peninsula Planning District Commission  
 Period Ending: 3/31/2023

Run Date: 04/19/2023  
 Run Time: 1:01:17 pm  
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### Expenditures

Code	Description	Budget	Curr Month	Project Total	Un/Over	% Budget	Revenues	Balance
30013	Housing Loan Admin - EE&CBG I	250.00	0.00	0.00	250.00	0.00%	280.25	280.25
30123	FY23 PDC Staff Support for Adm	5,000.00	543.22	2,237.66	2,762.34	44.75%	760.35	(1,477.31)
30170	Sm Bus Loan Admin - MPBDP St	24,628.33	61.65	24,464.57	163.76	99.34%	28,743.88	4,279.31
30184	Tappahannock Comp Plan	25,279.00	(15.82)	25,250.53	28.47	99.89%	25,279.00	28.47
30186	DHCD Elevated Septic Pilot (\$10	120,000.00	414.33	5,900.12	114,099.88	4.92%	120,000.00	114,099.88
30187	VHDA Housing Development	989,620.45	6,379.41	203,713.42	785,907.03	20.59%	168,883.52	(34,829.90)
30188	VTC Water Trails Marketing	2,500.00	0.00	2,500.00	0.00	100.00%	2,500.00	0.00
30190	DCR CFPF Hoskins Creek (TappN	83,030.00	421.57	3,244.50	79,785.50	3.91%	1,326.66	(1,917.84)
30191	DCR CFPF MillCreekBoatRamp (I	41,251.00	656.19	7,770.11	33,480.89	18.84%	0.00	(7,770.11)
30192	DCR/FEMA FTF GIS Tool	126,050.00	4,717.10	62,789.31	63,260.69	49.81%	10,817.04	(51,972.27)
30194	RAFT Dupont LMI Pumpouts	25,000.00	2,096.77	11,954.10	13,045.90	47.82%	25,000.00	13,045.90
30219	DRPT CAP Operating Program F	84,171.00	4,440.30	57,628.27	26,542.73	68.47%	41,930.02	(15,698.25)
30320	FY23 VDOT Rural Transportatio	72,500.00	4,794.35	55,986.26	16,513.74	77.22%	44,104.26	(11,882.00)
30420	Onsite Loan Management	189,113.20	459.32	183,603.14	5,510.06	97.09%	218,571.60	34,968.46
31002	GA Lobby	30,000.00	3,750.00	18,750.00	11,250.00	62.50%	33,750.00	15,000.00
31212	Mid Pen AHMP Update	142,863.00	0.00	142,870.57	(7.57)	100.01%	142,832.55	(38.02)
31500	Living Shoreline Incentive Progr	36,974.86	359.48	30,372.02	6,602.84	82.14%	48,134.86	17,762.84
32015	PDC Staff Support for Admin of	501.98	(7.16)	616.63	(114.65)	122.84%	277.01	(339.62)
32019	PAA - VMRC Public Fishing Pier/	10,000.00	0.00	10,332.39	(332.39)	103.32%	5,993.39	(4,339.00)
32021	PAA GOVA Sea Grant Resilience	88,413.50	14,639.77	88,413.50	0.00	100.00%	39,157.49	(49,256.01)
32022	PDC Staff Support for Admin of	4,200.00	302.28	3,261.62	938.38	77.66%	4,200.00	938.38
32023	VLCF Tapp Hoskins Creek	2,500.00	108.65	776.00	1,724.00	31.04%	624.15	(151.85)
32151	NFWF Ware River LS & SL Mgmt	199,914.09	0.00	201,444.68	(1,530.59)	100.77%	201,444.68	0.00
32157	NFWF Mathews-(VIMS In-Kind \$	289,409.80	77,248.04	284,065.66	5,344.14	98.15%	154,936.47	(129,129.19)
32161	DEQ CZM Coastal TA FY22	129,000.00	0.00	129,000.19	(0.19)	100.00%	129,000.00	(0.19)
32162	DEQ Planner WIP Yr3	72,500.00	0.00	72,500.00	0.00	100.00%	72,500.00	0.00
32163	DEQ 319(h) BMP Res Septic \$57	137,560.47	3,547.68	61,424.58	76,135.89	44.65%	54,887.48	(6,537.10)
32164	DEQ Next Gen SL Yr1 (\$50k VPA	50,000.00	3,801.47	47,461.96	2,538.04	94.92%	7,047.83	(40,414.13)
32165	DEQ CZM ANPDC EcoTourism 5	27,200.00	0.00	26,969.62	230.38	99.15%	27,200.00	230.38
32166	DCR FTF Private Appl Fees	14,647.20	0.00	14,647.20	0.00	100.00%	14,000.00	(647.20)
32167	DEQ Flo Disaster (\$30k Homeow	120,000.00	308.82	46,890.04	73,109.96	39.08%	24,755.22	(22,134.82)
32169	US DOT RAISE	0.00	2,152.26	4,095.47	(4,095.47)	0.00%	0.00	(4,095.47)
32170	DEQ CZM CoastalTA FY23(Consc	130,000.00	3,613.93	63,920.62	66,079.38	49.17%	17,160.41	(46,760.21)
32171	DEQ CZM Next Gen PLANS - Yr2	50,000.00	(3,162.87)	2,556.13	47,443.87	5.11%	0.00	(2,556.13)
32172	DEQ CZM ANPDC Eco 6 FY23	26,000.00	1,427.03	12,226.61	13,773.39	47.03%	3,677.17	(8,549.44)
32173	VDH Local SWAP	299,980.00	1,906.82	11,313.89	288,666.11	3.77%	5,627.64	(5,686.25)
32174	NFWF & DEQ CZM Hog Island Re	499,999.15	6,918.59	15,379.12	484,620.03	3.08%	0.00	(15,379.12)
32175	DEQ WIP TA 2023	72,500.00	2,448.22	8,643.88	63,856.12	11.92%	0.00	(8,643.88)
32176	NFWF Veterans Partnership	0.00	11,222.99	11,222.99	(11,222.99)	0.00%	0.00	(11,222.99)
33001	Loan Fund C-515771 Septic and	0.00	0.00	0.00	0.00	0.00%	2,112.50	2,112.50
38023	FY23 Local Projects	227,470.00	(971.61)	147,273.08	80,196.92	64.74%	219,633.90	72,360.82
38809	Mathews HITW Dredging (VDOT	174,364.00	4,609.63	138,571.03	35,792.97	79.47%	122,248.95	(16,322.08)
38810	VPA Aberdeen Dredging	1,434,000.00	2,354.68	44,579.70	1,389,420.30	3.11%	34,531.33	(10,048.37)
39000	General Fund Balance	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
<b>Totals:</b>		<u>6,058,391.03</u>		<u>2,286,621.17</u>		<u>37.74%</u>		<u>(232,691.56)</u>
			<u>161,547.09</u>		<u>3,771,769.86</u>		<u>2,053,929.61</u>	

## Balance Sheet by Category

**Middle Peninsula Planning District Commission**  
**Period Ending: 3/31/2023**  
**Format: 1 Board**

**Run Date:** 4/19/23  
**Run Time:** 1:01:48 pm  
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**Assets:**

Cash in Bank	316,870.40
Cash in Bank, Restricted	410,401.65
Receivables	493,781.88
Property & Equipment	7,426.82
Prepaid Pension (Deferred Outflows)	48,680.91

<b>Assets:</b>	<b>\$1,277,161.66</b>
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**Liabilities:**

Accounts Payable	93,189.79
VRA Loan Payables	526,159.39
Payroll Withholdings	1,867.37
Accrued Leave	62,053.46
Deferred Revenue	73,465.36
Deferred Inflows (VRS)	117,112.00
Net Pension Liabilities	(14,365.00)
Cost Allocation Control	6,748.38

<b>Liabilities:</b>	<b>\$866,230.75</b>
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**Equity:**

Not Assigned to a Code	(11,222.99)
Local Initiatives/Information Resources	138,669.04
Economic Development	2,802.00
Transportation Programs	(27,580.25)
Emergency Management Projects	(38.02)
Onsite Repair & Pumpout	16,651.54
Housing	280.25
Coastal Community & Environmental	(297,539.42)
Public Access Auth Programs	(49,750.12)
Temporarily Restricted	177,307.09
General Fund Balance	461,351.79

<b>Equity:</b>	<b>\$410,930.91</b>
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<b>Total Liabilities and Equity</b>	<b>\$1,277,161.66</b>
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<b>Balance:</b>	<b>\$0.00</b>
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## Agencywide R&E by Category

Middle Peninsula Planning District Commission  
 Period Ending: 3/31/2023  
 Format: 1 Agencywide R&E

Run Date: 4/19/2023  
 Run Time: 1:02:09 pm  
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**With Indirect Cost Detail**

Code & Description	Budget	Current	YTD	Un/Over	% Bud
<b>Revenues</b>					
	0.00	0.00	(8,322.38)	8,322.38	0.00%
Local Match	147,234.00	0.00	128,418.32	18,815.68	87.22%
Local Annual Dues	135,099.00	0.00	135,099.00	0.00	100.00%
Local Other Revenues	704,148.03	0.00	92,024.17	612,123.86	13.07%
Local Other Organizations	56,750.00	(4,339.00)	(11,851.56)	68,601.56	(20.88)%
State Revenues	1,266,478.00	5,627.64	181,708.29	1,084,769.71	14.35%
Federal Revenues	1,970,382.00	0.00	121,101.82	1,849,280.18	6.15%
Miscellaneous Income	2,400.00	2,547.47	(36,765.51)	39,165.51	(1531.90)%
RevolvingLoan Program Income	10,370.00	796.61	234,815.29	(224,445.29)	2264.37%
<b>Revenues</b>	<b>4,292,861.03</b>	<b>4,632.72</b>	<b>836,227.44</b>	<b>3,456,633.59</b>	<b>19.48 %</b>
<b>Expenses</b>					
Personnel	772,481.23	56,718.27	506,509.92	265,971.31	65.57%
Facilities	33,692.81	2,968.79	26,009.81	7,683.00	77.20%
Communications	9,293.00	443.66	6,200.45	3,092.55	66.72%
Equipment & Supplies	4,700.00	335.59	8,425.67	(3,725.67)	179.27%
Travel	21,331.00	577.17	3,558.78	17,772.22	16.68%
Professional Development	15,300.00	(423.00)	12,895.62	2,404.38	84.29%
Contractual	3,070,237.00	100,235.74	515,804.58	2,554,432.42	16.80%
Miscellaneous	13,169.00	690.89	8,496.50	4,672.50	64.52%
Regional Share	147,234.00	0.00	77,734.53	69,499.47	52.80%
<b>Expenses</b>	<b>4,087,438.04</b>	<b>161,547.11</b>	<b>1,165,635.86</b>	<b>2,921,802.18</b>	<b>28.52 %</b>
<b>Agency Balance</b>	<b>205,422.99</b>	<b>(156,914.39)</b>	<b>(329,408.42)</b>		

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**Middle Peninsula Planning District Commission**  
**Executive Director's Report of Regional Progress**  
**April 17, 2023**

**Note:** On May 23, 2018, the Commission voted to direct staff to email all future documents including the Commission meeting packets to save on postage. As we strive to make this report more informative and user friendly, some previously contained information may now be accessed by clicking on the following link(s):

- For Demographic Information: [Community Profiles \(viriniaworks.com\)](http://viriniaworks.com)
- For MPPDC Website: <https://www.mppdc.com/>

**MPPDC Staff and Contact Information**

**Executive Director: Lewis Lawrence**

Contact Info: [llawrence@mppdc.com](mailto:llawrence@mppdc.com) (804) 758-2311x24 (804) 832-6747 (cell)

Programs: *Coastal Zone Technical Assistance, Local Initiatives, Public Access Authority*

**Deputy Director: Curt Smith**

Contact Info: [csmith@mppdc.com](mailto:csmith@mppdc.com) (804) 758-2311x28 (804) 384-7509 (cell)

Programs: *Rural Transportation Planning, Dredging Coordination, General Environmental and Community Development Management*

**Chief Financial Officer: Heather Modispaw**

Contact Info: [hmodispaw@mppdc.com](mailto:hmodispaw@mppdc.com) (804) 758-2311x22

Programs: *Commuter/Employer Transportation Services, Septic Repair Assistance, Living Shoreline Incentive Program, Revolving Loan Programs Administration, PDC Finance & Grants Administration, PAA Staff Support, MPA Staff Support*

**Special Projects Planner: Jackie Rickards**

Contact Info: [jrickards@mppdc.com](mailto:jrickards@mppdc.com) (215) 264-6451 (cell)

Programs: *Environmental Programs, Hazard Mitigation Planning, Grant Writing, Graphic Arts*

**Coastal Resilience Planner I: PJ LeBel**

Contact Info: [pjlebel@mppdc.com](mailto:pjlebel@mppdc.com) (804) 758-2311x26

**Executive Assistant: Dawn Mantell**

Contact Info: [dmantell@mppdc.com](mailto:dmantell@mppdc.com) (804) 758-2311x21

Programs: *Septic Pumpout, Repair/Replacement Assistance Programs, PDC Staff Support, MPA Staff Support, PAA Staff Support, Facilities Scheduling, Website Management*

## INFORMATION RESOURCES/ASSISTANCE

- Updated [www.mppdc.com](http://www.mppdc.com) website – meeting notices, reports, news releases, GO Va meetings, and MPA notices, etc.

## COASTAL COMMUNITY DEVELOPMENT/ ENVIRONMENTAL

Funding – VDEQ, VIMS, VDCR, local match from MPPDC General Fund & partners

### **Project 30186 – Elevated Septic Pilot FY22**

*Construction of a vertically elevated septic system will occur at the King & Queen Telehealth and Business Development Center as part of a three-year pilot program to analyze an engineered septic unit that houses and treats all sewage effluent in a vertically elevated, self-contained unit suitable for areas with high water tables and flooding in Coastal Virginia.*

- Continued to coordinate with Triangle Environmental regarding designs and structural modifications for elevated septic systems for commercial application at the King and Queen facility.

### **Project 30190 – DCR Flood Fund - Hoskins Creek (Tappahannock)**

*Project is to design, obtain permits for, and construct a living shoreline on the Town-owned property adjacent to the Rte. 17 bridge over Hoskins Creek in Tappahannock.*

- Submitted quarterly progress report.
- Communicated with USACE on the status of the Preliminary Jurisdictional Determination.
- Continued development of permit drawings.

### **Project 30191 – DCR Flood Fund – Mill Creek Boat Ramp (Middlesex)**

*Project is to design and develop a draft Joint Permit Application for the shoreline and structures adjacent to the boat ramp at the Carlton Road (Mill Creek) public wharf in Middlesex. The designed solution will help mitigate the shoaling of the boat ramp and enhance the overall resilience of the public wharf.*

- Submitted quarterly progress report.
- Wetland Studies and Solutions, Inc. was selected as contractor.
- Convened a project kick off meeting with Wetland Studies & Solutions and Middlesex County to begin the process of determining if there is a long-term solution for the mill creek boat ramp sand sedimentation challenge. Wetland Studies, Middlesex County staff and elected official, PDC staff and adjacent property owners attended.

### **Project 30192 – DCR/FEMA - Fight the Flood GIS Tool Enhancements**

*Improvements will be made to the FTF online and GIS tools which are intended to enhance the GIS data tool capabilities and the overall management of the program. Improvements will include automated programs to expedite and streamline the grant application process, programs for identifying needs and advancing projects which align with available funding resources, improvements which will help feature products and services for participating FTF businesses, and training for MPPDC staff.*

- Submitted quarterly progress report.
- Continued to hold meetings with Timmons Group to discuss the additional updates to the dashboard maps and survey questions. Timmons also developed and shared a FTF GIS Update Workflow for dashboard visualizations. This will help MPPDC staff update dashboards as more participants join the FTF network.
- Collected Hazus data from Dewberry to integrate into the back end of the FTF database. Of all the data it was determined that the annualized loss data due to flooding was the most useful to add into the database. Adding this data layer will be used as part of the modified repetitive loss area analysis (RLAA) to identify areas of the most economic loss due to flooding.

- Began to draft the modified RLAA report.

**Project 30193 – DCR Flood Fund - West Point Bridge Study**

*Project is to conduct a Hydrologic and Hydraulic Study and Structural Design and Level of Service Study to address ongoing flooding for a Town owned bridge adjacent to the Middle Peninsula Regional Airport.*

- Submitted quarterly progress report.
- Continued conversation with Virginia Sea Grant on ways to cover the match requirement of both DCR Flood fund award and GO Virginia award since it was decided that DCR Flood Funds cannot be used as match for GO Virginia.

**Project 30195 – Community Flood Preparedness Fund (CFPF) – Round 3 Supplemental (Piankatank)**

*VDCR CFPF funding for one shoreline protection construction project on private property within the Piankatank River watershed.*

- Submitted quarterly progress report.
- Coordinated with the property owner who has indicated that they wish to proceed with the grant funded project. The property owner will provide the requisite matching funds and additional funds for MPPDC staff to administer and manage the project.
- Developed grant progress report for submittal to DCR.

**Project 30196 – Community Flood Preparedness Fund (CFPF) – Round 3 Supplemental (York)**

*VDCR CFPF funding for two shoreline protection construction projects on private properties within the York River watershed.*

- Submitted quarterly progress report.
- Coordinated with the property owners who each have indicated that they wish to proceed with their grant funded projects. Each property owner will provide the requisite matching funds and additional funds for MPPDC staff to administer and manage the separate projects.
- Developed grant progress report for submittal to DCR.

**Project 30197 – Community Flood Preparedness Fund (CFPF) – Round 3 Supplemental (Mobjack)**

*VDCR CFPF funding for three shoreline protection construction projects and one stormwater flood protection project. All are located on private property within the Mobjack Bay watershed.*

- Submitted quarterly progress report.
- Coordinated with the property owners regarding the terms of the grant funded projects.
- One property owner indicated that they had completed their shoreline project because they could not afford to wait any longer for grant funds to mitigate the severe erosion occurring along their property. Additionally, the property was recently sold meaning the owners are no longer eligible to receive their share of the grant award. MPPDC staff will work with DCR regarding these updates.
- Another shoreline project was for two contiguous private parcels. It was learned that one of the property owners has sold her land and that the other property owner still desired to proceed with their portion of the project. The property owner will provide the requisite matching funds and additional funds for MPPDC staff to administer and manage the project. MPPDC staff will work with DCR regarding these updates and changes.
- The owner of the property of the third shoreline project has indicated that they are not currently able to accept the grant award funding without additional financial assistance which can be used to support the required matching funds. MPPDC staff have submitted two separate grant applications which if awarded could provide the needed financial assistance. MPPDC staff will continue to coordinate with the property owner, but the project will remain on hold until additional funding is secured.

- Final notice from the owners of the property of the stormwater flood mitigation project regarding whether they wish to proceed with the project as awarded is still pending.
- Developed grant progress report for submittal to DCR.

**Project 32015 – Staff Support to Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA)**

*Middle Peninsula Chesapeake Bay Public Access Authority Special Project – Support of Executive Order 23, Goal 8 Coastal Management Coordination Public Access: Continue implementation of adopted annual work program, including identifying land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site; researching and determining ownership of all identified sites; determining appropriate public use levels of identified access sites; developing appropriate mechanism for transferring title of Commonwealth or private holdings to the Authority; developing appropriate acquisition and site management plan. This Program allows the Authority to function by supporting the individual projects and operations of the Authority, as well as by responding to daily requests for assistance from local government staff.*

- Continued to work with VACORP regarding insurance claim associated with a trespassing vessel that caused damage to the pier at Perrins Wharf. An eyewitness has provided his name, phone number, and information which has also been given to VACORP for their investigation.
- Coordinated with donors for crowdfunding campaign benefits.
- Coordinated and executed social media content for Pier Pressure crowdfunding campaign.
- Completed and distributed press release on Pier Pressure crowdfunding campaign to regional media. Pick-ups included Peninsula Chronicle and Gloucester-Mathews Gazette-Journal.
- Ongoing photography of the pier construction.

**Project 32019 – Sinclair’s Public Fishing Pier**

*The MPCBPAA has contracted the MPPDC to administer a grant from the VA Saltwater Recreational Fishing Development Fund to rehabilitate the public fishing pier at the Captain Sinclair’s Recreational Area, which had fallen into a state of disrepair. The project will consist of procuring a qualified contractor to rebuild a traditional wooden framed open pile 400-feet long public use fishing pier that will provide year-round opportunities for saltwater fishing and recreational viewing.*

- New pier construction continues. The pier should be completed by the end of April.
- Ongoing photography of the pier construction process is being coordinated by Consociate Media.

**Project 32021 – PAA GO VA Sea Grant Resilience Economy**

*Virginia Sea Grant was awarded a GO Virginia award to assist the Middle Peninsula and other coastal areas with developing a water management economy to combat flooding and sea-level rise. This project will utilize land owned by the MPCBPAA as field stations to encourage business innovation in the flood resiliency space.*

- Participated in monthly coordination meeting with project leadership team on April 13.
- Continued to assist water management business competition winners move into applied implementation space using PAA sites and other public holdings.

**Project 32157 – NFWF Mathews – East River Yr2**

*This project will design, permit, construct and monitor living shorelines in targeted shorelines on the East River.*

- Construction has reached the 95% level, with time of year restrictions remaining for plant installation.

**Project 32164 – CZM 306 Next Generation Shoreline Plan (Pilot Project – Yr1)**

*VIMS Shoreline Studies Program will develop a whitepaper to examine the use of technology, modeling, alternative materials, proprietary products, and innovative nature-based mitigation measures in the planning process for “next generation shorelines” which are intended to provide an enhanced level of shoreline*



*resilience and water quality in response to more frequent and severe flooding and accelerated sea-level rise. One design of a next generation shoreline for a publicly owned property in a high energy wave environment will be completed. Year 2 will involve further development of the whitepaper and a next generation shoreline design for a moderate wave energy publicly owned site.*

- Continued to consult with Consociate Media to develop a communications strategy for succinctly explaining the new planning methodology. Drafted the presentation outline. Finalized the presentation outline with grant funder.
- Submitted semi-annual progress report.

#### **Project 32166 – Fight the Flood Participant Grant Application Development**

*MPPDC staff work regularly to develop and oversee grant applications for property owners who have submitted flooding-related needs and projects to the Fight the Flood program.*

- Coordinated with Supplemental Round 3 private property award recipients regarding whether they wish to proceed with the grant-funded projects.

#### **Project 32167 – DEQ Florence Disaster Living Shoreline Micro-grants**

*This project will offer grant funds as micro-grants to property owners in the Piankatank River, Gwynns Island, Milford Haven Implementation Plan area to install living shorelines and other eligible BMPs to improve water quality and coastal resilience. It is estimated that four micro-grants of \$20,000 each will be accomplished under this project.*

- Submitted quarterly progress report.
- Construction for two of the five projects is complete and the remaining three are pending. Time of year restrictions for planting are in effect. The contractor is working to develop a final installation timeline.

#### **Project 32170 – Virginia Coastal TA FY23**

*This project provides ongoing support to member localities of the Planning District Commission and other stakeholders committed to improving community development and coastal management within the coastal zone.*

- Scheduled additional training between DEQ and local government staff for VA Stormwater Management Program opt-out localities to build upon initial discussions held during February. Training to be held during the May MPPDC local government planners meeting.
- Coordinate Coastal PDC meeting for May/June where MPPDC staff will host.
- Coordinated with VCZMP, Mathews County, and Mathews Rotary Club regarding a proposal for NOAA/VCZMP funds to rehabilitate the New Point Comfort public observation deck in Mathews County. Proposal to be submitted during April.
- Reviewed and submitted comments regarding the York River and Small Coastal Basins Roundtable Draft Wetlands Plan.
- Reviewed and saved the Coastal Zone Management Program Data Sharing Plan form.
- Docks of the Bay Marine Construction contacted MPPDC with interest in becoming a part of the Fight the Flood Program. Staff sent survey information and Docks of the Bay is now an approved Fight the Flood business partner.
- Staff provided Fight the Flood business survey information to dredging company Harbor Dredge and Dock.
- Staff consulted with a Mathews resident interested in dredging a shoaled creek. He was directed to input as much detailed information into MPPDC Fight the Flood program.
- Consulted with Fight the Flood Partner business, RES, about updating profile information on the Fight the Flood website.

- Consulted with new Fight the Flood participant in Gloucester about their eroding shoreline.
- Worked with homeowner to develop a letter of support for NFWF SWG Ware River Phase II project.
- Staff organized a site visit to Captain Sinclairs for Fight the Flood business partner Native Shorelines. Staff showed Native Shorelines its new 100-acre addition to Sinclairs Recreational Area and the potential for pilot projects along its shorelines.
- Provided a list of Fight the Flood participants with shoreline issues to Fight the Flood businesses.
- Consulted with Consociate Media with new updates to the Fight the Flood program website.
- Attended the RAFT Regional Resilience Equity Workgroup zoom meeting on April 12.
- Provided Mike Vernon with an updated list of FTF participants interested in speaking to someone about FEMA Flood Insurance – April 11.
- Attended a meeting hosted by Plan RVA to discuss King & Queen and King William’s participation in the Climate Pollution Reduction Grant (CPRG) opportunity. Through the CPRG program, EPA will support state, territory, tribal, and local actions to reduce greenhouse gases and associated criteria and toxic air pollution through deployment of new technologies, operational efficiencies, and solutions that will transition America equitably to a low-carbon economy that benefits all Americans.
- Staff drafted and submitted the semi-annual report to the Virginia Coastal Zone Management Program.
- Staff drafted and submitted a proposal to NFWF’s National Coastal Resiliency Fund to add staffing capacity to the Fight the Flood Program.
- Staff drafted and submitted three proposals to the EPA’s Chesapeake Bay Program Office funding opportunity to construct phase II of the living shoreline project on the Ware River, additional living shoreline construction at Hog Island, and new living shoreline construction at the New Point Comfort Natural Area Preserve.
- Staff drafted and submitted a proposal to the Virginia Outdoor Foundation’s Coastal Resilience and Trees Fund to offer mini-grants to FTF participants to construct living shorelines on their property.
- Staff drafted and submitted a proposal to NFWF’s Small Watershed Grant to complete Phase II of the reach-based Ware River Project.
- Added additional business listings to online Fight the Flood database.
- Supported embedding success stories in Fight the Flood dashboards.
- Distributed and tracked press release on VDH SWAP funding for septic repairs.
- Developed Fight the Flood onboarding process and templates for MPPDC staff to send to new registrants of program.
- Coordinated with DCR Community Flood Preparedness Fund Supplemental Round 3 private property award recipients regarding whether they wish to proceed with the grant-funded projects.
- Convened a meeting with Dr. Derek Aday, Virginia Director of the Virginia Institute of Marine Science and Dean of William & Mary’s School of Marine Science and Delegate Keith Hodges to discuss approaches to make the work of VIMS more relevant to the needs of rural coastal Virginia communities.
- Assisted the new owners of the Cardinal Campground located in Gloucester County with assistance on dealing with failing septic issues associated with the campground. Coordinated with the Virginia Department of Health to better understand the conditions of the campground septic drain field and options for addressing the water quality challenges.

- Provided Essex County staff with information regarding certified Planning Commissioners training program.
- Participated in an investor relation call for Natrx regarding third-party capital market investors trying to better understand opportunities within the Chesapeake Bay for investing in technologies that result in clean water, less carbon and removal of nitrogen.
- Consulted with Rachel Peabody, Senior Advisor for Coastal Adaptation and Ecosystem Restoration Virginia Marine Resources Commission regarding sunk and derelict vessel removal at Perrin Wharf and other coastal communities. VMRC has \$2,000,000 for vessel sunk and derelict removal.
- Consulted with Delegate Keith Hodges regarding a bill to amend the pump and haul statute authorizing the Virginia Department of Health to have the power to issue pump and haul for working waterfront businesses suffering from failing drain fields. In some cases, it appears to be cheaper to use permanent pump and haul than it is to spend money for a new engineered system repair when juxtaposed against the rate of sea level rise and soil characteristics. Pump and Haul statute needs to be modernized for use against problems of today.
- Consult with Andy Lacatell of The Nature Conservancy regarding possible donation of TNC holdings in Mathews to the public access authority. TNC continues to divest fee simple ownership.
- Assisted with convening a regional opioid funding meeting to discuss regional collaboration to access additional opioid funds. Gloucester County will be serving as the regional coordinator for grant applications.
- Received a call from an absentee landowner on Belvin Creek Road in Gloucester County regarding a possible donation of 9 tidal wetland acres to the Middle Peninsula Chesapeake Bay Public Access Authority. Coordinating with Gloucester County to ensure that the host locality does not object to the donation.
- Provided assistance to a King and Queen resident looking to access Middle Peninsula Chesapeake Bay Public Access Authority land in King and Queen. Citizen wanted to better understand property management structures for various properties within King and Queen County and nontraditional uses like medal detecting.
- Participated in the VA Coastal Resilience Master Plan Technical Advisory Committee meeting in Williamsburg on March 16.
- Participated in interview with the Virginia Mercury regarding MPPDC dredging and coastal resilience activities: As channels fill, Middle Peninsula gets OK for faster dredging approvals - Virginia Mercury.
- Gave presentation regarding MPPDC resilience programs and efforts during the March 22 RAFT One-year Progress Workshop.
- Docks of the Bay Marine Construction contacted MPPDC with interest in becoming a part of the Fight the Flood Program. Staff sent survey information and Docks of the Bay is now an approved Fight the Flood business partner.
- Staff provided Fight the Flood business survey information to dredging company Harbor Dredge and Dock.
- Staff consulted with a Mathews resident interested in dredging a shoaled creek. He was directed to input as much detailed information into MPPDC Fight the Flood program.
- Consulted with Fight the Flood Partner business, RES, about updating profile information on the Fight the Flood website.
- Participated in an interview by Duke University graduate student exploring challenges pertaining to residential septic systems in rural coastal communities.

- Coordinated with Wetlands Watch staff regarding proposal for VOF/WW Coastal Resilience and Trees grant.
- Hosted coordination meeting for dredging projects at Davis Creek and Winter Harbor with USACE Norfolk District and Mathews County staff. USACE has federal funding for each creek and coordination occurred regarding Davis Creek, where MPPDC and Mathews County have secured state grant funds.
- Hosted the April 14 Local Government Administrators meeting where DEQ Environmental Justice proposed permitting guidance, VDH transfer of CBPA septic pumpout program, and VDOT Six Year Improvement Plan updates were discussed.

### **Project 32171 – CZM 306 Next Generation Shoreline Plan Yr2**

*VIMS Shoreline Studies Program will continue to develop a whitepaper to examine the use of technology, modeling, alternative materials, proprietary products, and innovative nature-based mitigation measures in the planning process for “next generation shorelines” which are intended to provide an enhanced level of shoreline resilience and water quality in response to more frequent and severe flooding and accelerated sea-level rise. One design of a next generation shoreline for a publicly owned property in a moderate energy wave environment publicly owned site will be completed.*

- Developed draft outline of year 2 White Paper by conducting literature research.
- Conducted remote site assessment and compiled findings into draft Shoreline Management Plan and scheduled field work for assessment of 100-acre new addition at PAA Captain Sinclairs recreation area for April.
- Conducted site visit with Fight the Flood business, Native Shorelines regarding use of company’s technology for protecting shorelines at 100-acre addition at PAA Captain Sinclairs.
- Submitted semi-annual progress report.
- Drafted the presentation outline.
- Finalized the presentation outline with grant funder.

### **Project 32172 – DEQ CZM ANPDC Ecotourism VI FY23**

*This project will build on the efforts completed between 2020-2021. During this project, PDCs will focus on implementing actions identified in the 36-month Marketing Strategy and Action Plan. MPPDC staff will also develop a grant application to seek funds which address resilience needs identified in the 2022 resilience assessment of MPCBPAA properties. PDCs will also collaborate to identify a long-term sustainability plan for maintaining the site for years to come.*

- Drafted a memorandum of understanding between the MPPDC and NNPDC, ANPDC, and PlanRVA with regards to the maintenance of the Virginia Water Trails website starting October 1, 2023. Staff will present a final draft to the other PDCs at the May project meeting.
- Sent ANPDC updates to project deliverables for the semi-annual report.
- Completed all blog posts for this grant cycle of support to ecotourism project.
  - Find Your Peace by Launching at Zoar State Forest
  - Help Virginia’s Coastal Wilds by Donating to Pier Pressure Crowdfunding Campaign
  - Rivah Sistah Passionate About Introducing Love of the Outdoors to Women
  - Camp Cardinal Offers an Escape Close to Home That’s a World Away

### **Project 32174 – NFWF & VCZMP Hog Island Restoration**

*Project is for permitting and constructing a nature-based shoreline protection solution along the perimeter of the MPCBPAA-owned Hog Island property which continues to experience substantial erosion. The project is funded in part with federal funding from NFWF and NOAA via the VA Coastal Zone Management Program.*

- Closed the reissuance of the second IFP. Responses have been reviewed. Intent to award notice has been sent. Sands Anderson is preparing the contract for services.
- Coordinated with NOAA on final scope of work related to the release of NOAA funds for Hogg Island.

**Project 32175 – DEQ Chesapeake Bay WIP Technical Assistance (2023)**

*MPPDC will continue to engage localities and regional and state partners regarding Bay WIP III programmatic actions and implementation activities with funding provided by DEQ.*

- Scheduled additional training between DEQ and local government staff for VA Stormwater Management Program opt-out localities to build upon initial discussions held during February. Training to be held during the May MPPDC local government planners meeting.
- Submitted draft FY24 WIP Technical Assistance proposal to DEQ during March.
- Received award notice from the Mathews Community Foundation for a \$10,000 grant for septic repairs on Gwynn’s Island.
- Participated in an interview by Duke University graduate student exploring challenges pertaining to residential septic systems in rural coastal communities.
- Received award notice from DEQ ARPA Wastewater Funds SLPP for \$730,195 for the fleet purchase of TL3 Septic units.
- Staff drafted and submitted a proposal to NFWF’s National Coastal Resiliency Fund to add staffing capacity to the Fight the Flood Program.
- Staff drafted and submitted a proposal to NFWF’s Small Watershed Grant to complete Phase II of the reach-based Ware River Project.
- Reviewed and submitted comments regarding the York River and Small Coastal Basins Roundtable Draft Wetlands Plan
- Staff drafted and submitted three proposals to the EPA’s Chesapeake Bay Program Office funding opportunity to construct phase II of the living shoreline project on the Ware River, additional living shoreline construction at Hog Island, and new living shoreline construction at the New Point Comfort Natural Area Preserve.
- Staff drafted and submitted a proposal to the Virginia Outdoor Foundation’s Coastal Resilience and Trees Fund to offer mini-grants to FTF participants to construct living shorelines on their property.
- Staff drafted and submitted a proposal to NFWF’s Small Watershed Grant to complete Phase II of the reach-based Ware River Project.
- Coordinated with DCR Community Flood Preparedness Fund Supplemental Round 3 private property award recipients regarding whether they wish to proceed with the grant-funded projects.
- Consulted with Delegate Keith Hodges regarding a bill to amend the pump and haul statute authorizing the Virginia Department of Health to have the power to issue pump and haul for working waterfront businesses suffering from failing drain fields. In some cases, it appears to be cheaper to use permanent pump and haul than it is to spend money for a new engineered system repair when juxtaposed against the rate of sea level rise and soil characteristics. Pump and Haul statute needs to be modernized for use against problems of today.

**Project 32176 – NFWF Veterans Partnership**

*MPPDC will develop and formalize an operating agreement between the MP-PAA and Knott Alone-Hold Fast, Inc, a nonprofit organization providing counseling and coastal eco and restoration workforce development services focusing on leveraging Chesapeake Bay coastal environs for veterans. The project will build capacity to address a known gap in local workforce for resilience and restoration activities.*

- Met with Knott Alone Hold Fast staff to discuss how the relationship between the PAA and nonprofit could be structured.

**Project 38809 – VPA Hole-in-the-Wall Dredging Implementation**

*Mathews County was awarded VA Port Authority Waterway Maintenance Funding to dredge the Hole in the Wall channel to –7 feet Mean Low Water and place the dredged sand at the county-owned Haven Beach property. MPPDC is administering the grant on behalf of the County with procurement and permitting assistance and project oversight.*

- Submitted quarterly progress report.
- Published request for proposals for dredging, breakwater construction and dune grass planting and invitation for bid for beach profile and tiger beetle monitoring. The deadline for proposals and bids was April 14. Received two proposals and one bid. Initiated review process with legal counsel and County appointed reviewers.
- Fielded questions from interested dredging contractors regarding the RFP and IFB. Developed, issued, and updated an addendum to the RFP.
- Met with reporter from Gazette Journal regarding the project.

**Project 38810 – VPA Aberdeen Dredging**

*Gloucester County was awarded VA Port Authority Waterway Maintenance Funding to dredge the Aberdeen Creek channel to –7 feet Mean Low Water and place the dredged material at an upland disposal site. MPPDC is administering the grant on behalf of the County with procurement and permitting assistance and project oversight.*

- Submitted quarterly progress report.
- Continued researching in-water dewatering barges and processes, upland dewatering processes and landfill disposal costs. All options are being analyzed to find which option best aligns with the DCR terms and conditions and available project budget limitations.
- Coordinated with staff from Solmax regarding maximum volume of dredged material which can be held at the Middle Peninsula State Park property within the site confines established by DCR.

**Project 38811 – DCR Flood Fund - Deltaville Dredging (Middlesex)**

*Project is for designing and developing draft permit applications for dredging and beneficial reuse or disposal of dredged material and flood/shoaling protection structures at Broad and Jackson Creeks in Middlesex County.*

- Continued to coordinate with Middlesex County Board Chair and Administrator on new service agreement. Will initiate project once service agreement is finalized.

**TRANSPORTATION**

Funding – VDRPT, VDOT, local match from MPPDC General Fund

**Project 30219 – Commuter Assistance Program (CAP) Operating FY23**

*This program assists local commuters and employers with transportation issues. The main emphasis is on lowering the number of single occupancy vehicle commutes within and from the Middle Peninsula region through marketing and promotion of the program through local media and provision of ride matching services to commuters.*

- Participated in the Commute!VA Ride Home Rewards virtual meeting to begin the conversation of adding our program to the CVA Ride Home Rewards pilot program.
- Participated in monthly conference call with Kathy Molin of DRPT.
- Participated in a meeting between MPPDC, DRPT, and Consociate Media for introductions and a general program discussion and expectations.

- Attended Regional Resilience Equity Workgroup (RREW) Transit Sub-Group kickoff meeting, held by Ken Pollock of Bay Aging, to address transportation solutions in the Middle Peninsula and Northern Neck.
- Attended DRPT Discover Transit virtual meeting where the marketing campaign was discussed on how to promote transit across the Commonwealth.
- Daffodil Festival was canceled due to inclement weather and therefore we were unable to setup our Rideshare booth.
- Submitted travel pre-check to Kathy Molin of DRPT for attendance at the Virginia Transit Association (VTA) Annual Conference & Expo in Virginia Beach May 23-24 and Association for Commuter Transportation (ACT) 37<sup>th</sup> Annual International Conference in Seattle, Washington July 30-August 2, 2023.
- Consulted with DRPT for marketing direction.
- Set up all assets to have open booth at Daffodil Festival, Main Street Business Association Event. Event was cancelled due to weather.
- Finalized schedule of farmers markets to attend in spring/summer and staffing for each.
- ***Current commuter database in March – 438***
- ***Number of Commuters with logged alt mode trips in March – 84***
- ***Number of logged alt trips in March – 578***
- ***Reduced miles (VMT) in March – 15,184***
- ***Commuter Savings in March – \$9,490***

### **Project 30320 – Rural Transportation Planning FY23**

*This program provides rural transportation planning services through the Rural Transportation Planning Work Program which outlines specific tasks and goals to guide the rural planning of transportation services.*

- Coordinated and hosted the MPPDC Local Government Planners meeting on March 29. Agenda items included a presentation from VDOT regarding Transportation Alternatives Program funding; Smart Scale, rumble strips, park and ride lots, state trail data, grant funding opportunities including federal bridge funding and DCR Recreational Trails funding, and DEQ Environmental Justice proposed permitting guidance.
- Submitted quarterly report.
- Continued to coordinate with VDOT Resilience Program staff regarding assessment of transportation infrastructure now subject to the sea level rise design standards adopted in 2020.
- Initiated development of proposal for FY24 VDOT RTP funding with plans to submit the final application prior to the April deadline.
- Participated in the DCR Recreational Trails Program informational webinar on March 22.
- Conducted Park and Ride Counts and Conditions Assessments of all VDOT owned lots in the Middle Peninsula and delivered results to VDOT.
- Coordinated and hosted the MPPDC Local Government Planners meeting on March 29. Agenda items included a presentation from VDOT regarding the VDOT Transportation Alternatives Program; Park and Ride Lot Assessment discussion; State Trails Office GIS Data Request; DCR Trails Grant; and dredging and coastal resilience project updates.

**Project 32169 – USDOT RAISE Public Working Waterfront Designs**

*Project is to conduct a region-wide planning project that will result in a suite of shovel-ready, high-priority multi-modal transportation infrastructure improvements intended to address critical needs related to the region’s publicly owned working waterfronts in order to meet the modern and future needs of the region’s growing commercial seafood and maritime industries. The project will involve three distinct tasks: 1) State of Good Repair Condition Assessments, 2) Multimodal Working Waterfront Needs Assessment and Improvement Strategies, and 3) Multimodal Working Waterfront Improvement Plan Development.*

- Consulted with Sands Anderson regarding public procurement process for project consultant.
- Submitted quarterly progress report.
- Successfully registered for eInvoicing access through Isupplier,

**ONSITE REPAIR & PUMPOUT**

Funding – Grants, VRA Loan Funds, local match from MPPDC General Fund, cost sharing

**Project 30194 – RAFT Dupont LMI Pumpouts**

*This project will provide grant funding to ~55 LMI Middle Peninsula homeowners to assist them in complying with the Chesapeake Bay Preservation Act requirement to have their septic tanks pumped out or inspected every 5 years.*

- As of April 14, a total of 81 applications for septic pumpout assistance were provided to Middle Peninsula homeowners in person, by mail, and electronically. Staff received, reviewed, and approved 41 applications. Vouchers were issued on a first-come, first-served basis to all 41 applicants.

**Total Septic Pumpout Applications Distributed and Received as of April 14, 2023**

Applications Mailed, Emailed, Picked up or Downloaded from Website: 81

Essex	27
Gloucester	05
King and Queen	07
King William	19
Mathews	08
Middlesex	15

Incomplete Applications	00
Approved Applications	41
Vouchers Issued	41
Completions	34
Voided Vouchers	02

**Total Septic Pumpout Vouchers Issued and Completed by County**

Vouchers issued on a first-come, first-served basis: 41

Essex	15
Gloucester	03
King and Queen	02
King William	10
Mathews	05
Middlesex	06

Septic Pump-outs completed: 34

Essex	14
Gloucester	01
King and Queen	02
King William	08
Mathews	03
Middlesex	06



### **Project 32163 – DEQ 319(h) NPS IP for BMP Residential Septic 2021**

*Provides cost-share assistance to landowners, homeowners, and agricultural operators as an incentive to voluntarily install nonpoint source (NPS) best management practices (BMPs) in designated watersheds.*

- Met with DEQ staff for required annual progress review.
- Submitted annual update to project program design.
- As of April 14, MPPDC staff has received phone calls from 129 homeowners in Gloucester, Mathews, and Middlesex Counties in response to the press release for available 319(h) funding. The physical addresses of each of these septic systems were entered into the mapping tool to verify their location is within the program's target areas. (33) homeowners had miscellaneous requests, declined moving forward, requested ineligible practices such as voluntary upgrades and reimbursement for work completed prior to program launch; (3) Mathews County homeowners have placed their project on hold; and (57) homeowners' septic system isn't located in the program's target area. To-date, 8 homeowners have been approved and reimbursed 50% of the average practice cost set by DEQ: (2) Alternative Septic Systems in Mathews County have been installed (1) Conventional Septic System in Gloucester County has been repaired, (2) Septic Systems in Middlesex County, (1) in Gloucester County, and (2) in Mathews County have been pumped out. The installation of (3) Alternative Septic Systems in Mathews County is currently in progress.
  - (12) Homeowners remain on the Septic Pumpout list. (5 Mathews, 5 Middlesex, 2 Gloucester)
  - (16) Homeowners remain on the Septic Repair/Replacement list. (13 Mathews, 3 Middlesex)
- Continue to receive inquiries from King William, King & Queen, and Essex County residents looking for septic assistance and are not in the designated target area set by DEQ to be eligible for 319(h) septic reimbursement funding. When applicable, these inquiries are referred to their local VDH for SWAP intake/screening, VA DHCD, USDA, and SERCAP for possible septic repair/replacement assistance and those seeking septic pumpout assistance are screened for the RAFT program.

### **Project 32173 VDH Septic Well Assistance Program (SWAP)**

*This project will provide grant funding to assist VDH approved low-income Middle Peninsula homeowners with costs associated with septic repair/installation, private well installation/abandonment, and connecting to public water and sewer for the purposes of wastewater/water improvements.*

- As of April 14, MPPDC staff has received inquiries from 24 Middle Peninsula homeowners in need of well and/or septic repair/replacement assistance. Homeowners are referred to their local health department to begin the intake/application process for SWAP assistance. Qualified homeowner's projects are then submitted to the MPPDC where staff will implement private well installation and abandonment of existing wells, repair and replacement of malfunctioning and failing septic systems and engage contractors to address water quality on behalf of eligible homeowners.
- Continue to receive inquiries from Middle Peninsula homeowners looking for septic assistance. These inquiries are referred to their local VDH for SWAP intake/screening, VA DHCD, and SERCAP for possible septic repair/replacement assistance and because SWAP is exclusive to repair/replacement, those seeking septic pumpout assistance are screened for the RAFT program.
- Coordinated with Three Rivers Health District regarding review process for SWAP septic repair applications from citizens requesting financial aid.
- Developed and submitted a public notice of SWAP grant funds availability to local papers and radio stations to promote awareness for funding availability for low-income individuals to repair septic systems. Provided notice to local government staff for promotion as well.
- Received phone call from Mathews County homeowner requesting assistance with septic repair/replacement. Homeowner wasn't in the 319h target area and wasn't interested in loan funds. Referred homeowner to local health department for possible SWAP funding.
- Received phone call from Janet Swords looking for assistance for an elderly Gloucester County

homeowner who needs to replace their drainfield. Repair permit is in hand and Turlington's has been working with the homeowner. Homeowner isn't in the 319h target area, referred to local health department for possible SWAP funding.

- Received phone call from Middle Peninsula homeowner who heard about the SWAP program on the radio and was interested in applying. Referred homeowner to their local health department for SWAP intake.
- Received email from Robert Becker, King William County VDH requesting an update on a homeowner sent to them by Bay Aging. Mr. Becker had emailed the homeowner's file to the MPPDC in early February and PDC staff forwarded the file to Brenden Rivenbark, VDH Chief Operating Officer for intake. VDH staff is responsible for the intake, income verification and approval of SWAP applications.
- Received email from David Fridley, Environmental Health Manager at Three Rivers Health District directing Robert Becker, King William County VDH to provide MPPDC staff with the SWAP Interest Form with income verification of King William County homeowner interested in assistance with replacing their well. Mr. Fridley also attached the homeowner's well abandonment/replacement permit. Interest Form is not the appropriate document MPPDC staff requires to proceed as it does not indicate VDH determination.
- Received email from Robert Becker, King William County VDH containing King William County homeowner's SWAP Interest Form. This same Interest Form had already been received from Mr. Becker in mid-February but the form didn't provide any indication of VDH determination. The email was sent to Brenden Rivenbark, VDH Chief Operating Officer for assistance. The interest form has the homeowner self-certifying their household income and applying through Bay Aging. The interest form is just that, expressing interest. In mid-January, MPPDC Executive Director, Lewie Lawrence had provided Brenden Rivenbark with the Agency Use Only section of the SWAP application for VDH to use prior to submitting. This section is what MPPDC staff will use to ensure applicants have been completely vetted and approved by VDH. According to SWAP program guidelines, local VDH offices are responsible for application intake, income verification and must indicate their determination before submitting to MPPDC staff.
- Copied in email from MPPDC Executive Director, Lewie Lawrence to David Fridley, Brenden Rivenbark, and Robert Becker at local VDH verifying their staff will be utilizing the same SWAP application form and handoff process authorized by Nicole Sandberg, Wastewater Infrastructure Manager, Richmond VDH. After the exchange of attachments and screenshots, it was determined local VDH has been referring to the SWAP Owner Interest Form as the SWAP Application.
- Received email from Robert Becker, King William Health Department containing the cover letter to the Owner Interest Form which contains the income eligibility determination required prior to handing off a SWAP application to MPPDC staff.
- Copied in email from David Fridley, Three Rivers Health District to MPPDC Executive Director, Lewis Lawrence as well as Robert Becker, King William County Health Department providing a list of VDH staff qualified to verify the income of SWAP applicants. Mr. Fridley also attached a copy of the Owner Interest Form referring to it as the agreed upon application form for PDC's to use in evaluating SWAP applicants and is also the form that has been communicated to all local health department staff to utilize for intake.
- Received email from Nicole Sandberg, Wastewater Infrastructure Manager, Richmond VDH to local VDH staff and MPPDC clarifying the MPPDC's role in the SWAP program, the SWAP application documents to be utilized, and the qualifying process to be completed prior to forwarding an application package to MPPDC staff.
- Received phone call from Farmer's Septic regarding the status of a Mathews County homeowner's SWAP application. Mr. Farmer had been in contact with Lance Gregory, Director, VDH Division of Onsite Sewage and Water Services who instructed him to contact the MPPDC for applicant information.

Mr. Farmer stated the homeowner applied for SWAP at their local health department in January, design work has been completed, and permit is in hand, but the process seems to have stalled. Explained to Mr. Farmer the SWAP application process begins with the local health department and all information remains there until their project is ready to be submitted to the MPPDC for implementation.

- Began drafting Quarterly Report due April 25th.

#### **Project 32178 VDH Septic Well Assistance Program (SWAP) Direct to Partner Initiative (D2PI)**

*This project will utilize American Rescue Plan Act Funding (ARPA) through the SWAP Program to expedite the installation and completion of ~5 VDH approved Middle Peninsula low-income homeowner's shovel-ready septic, sewer, and well installation projects for the purposes of wastewater/water improvements.*

- Finalized contract. Project intended to kickoff over coming weeks.
- As part of the SWAP Direct to Partner Initiative (D2PI), MPPDC has been contracted by the Virginia Department of Health (VDH) to secure competitive vendor contracts for (6) shovel-ready projects and oversee the contractors while they install the systems. MPPDC has received 3 of the 6 shovel-ready septic project files from Nicole Sandberg, Wastewater Infrastructure Manager Division of Onsite Water and Wastewater Services at the Virginia Department of Health Office of Environmental Health Services. (1 Gloucester, 3 Essex, 1 King & Queen, and 1 King William)
- Continue to receive inquiries from Middle Peninsula homeowners looking for septic assistance. These inquiries are referred to their local VDH for SWAP intake/screening, VA DHCD, and SERCAP for possible septic repair/replacement assistance and because SWAP is exclusive to repair/replacement, those seeking septic pumpout assistance are screened for the RAFT program.

### **ECONOMIC DEVELOPMENT**

Funding – EDA, local match from MPPDC General Fund, BDP Loan Program Income

#### **Project 30123 – Staff Support to Middle Peninsula Alliance (MPA) FY23**

*MPPDC staff are providing clerical and fiscal assistance to the Middle Peninsula Alliance.*

- Prepared vouchers, processed A/P, processed deposits (if any), and reconciled bank statements. Prepared monthly financial statements.

#### **Project 32177 – EDA Technical Assistance Program**

*MPPDC will facilitate the maintenance, update, and implementation of the Middle Peninsula Comprehensive Economic Development Strategy (CEDS) utilizing existing regional partnerships and building upon recent and ongoing regional initiatives focusing on fostering economic growth within the region.*

- Developed template business summaries for Fight the Flood businesses to help connect and promote among Fight the Flood participants.

#### **Project 301702 – Small Business Revolving Loan Fund**

*MPPDC agreed to service Middle Peninsula Business Development Partnership's (MPBDP) Small Business Loan Portfolio after MPBDP's dissolution November 30, 2011. MPPDC established a revolving loan fund and staff initiate ACH loan payments from clients' bank accounts and manages the accounts. Principal repaid will be held until the Commission determines the best use for these funds as allowed by the USDA (RBEG) original lending restrictions. Interest earned will be used to offset administration costs.*

- **Funds available – \$146,188**

### **LOCAL INITIATIVES**

Funding – local dues, PDC base-funding from VDHCD and/or MPPDC General Fund. Funding for specific projects may come from a locality requesting assistance.

#### **Project 30184 – Tappahannock Comprehensive Plan & GIS Mapping**

*Technical assistance for reviewing and updating data in the Town Plan and digitizing with GIS and printing the Town Zoning and Land Use maps.*

- Project extended to accommodate Town determination of Intensely Developed Area process. IDA map will be developed once the Town finalizes process.

**Project 38023 – FY23 Local & Regional Technical Assistance**

*This program responds to daily requests for technical assistance which other commission programs are unable to provide.*

- MPPDC Deputy Director and Chief Financial Officer attended the National Grants Manager Association annual conference in Washington, DC.

**HOUSING**

**Funding – Housing Loan Program Income**

**Project 30187 – VHDA Affordable Workforce Housing Development**

*The three-year project will involve planning, designing, and constructing approximately ten affordable workforce housing units on property owned by the Middle Peninsula Public Access Authority. The project goals involve creating resilient and safe housing for citizens who need to live and work on or near the water. The designs will involve long-range planning for increased flooding and sea-level rise where the units can be readily moved once a site becomes unsafe for continued residential use.*

- Submitted quarterly progress report.
- The building permit documents for the renovation of the Main House and the second story addition to the Pool House have been reviewed by the County staff and revision made. The Main House plans were submitted and received zoning permit approval.
- The required demolition within the Main House is completed.
- Consultation with the Gloucester County staff on approval of development permits is still ongoing. Formal site plan application is not required based on amount of land disturbance. The Chesapeake Bay regulatory public hearing and site plan approval is now scheduled for May.
- The issues raised by the County Building Official regarding sprinklers, ADA accessibility and flood mitigation measures have all been resolved.
- The new wastewater system required for the Pool House addition is under design.
- The construction plans and bid documents of the three tiny homes have been completed and under review by County staff.

**Project 300132 – Energy Efficiency and Conservation Block Grant (EECBG) Revolving Loan Fund**

*The program emphasizes a community-based approach to help meet energy and climate protection goals. MPPDC was awarded a contract to provide weatherization renovations to 12 homeowners ineligible for LMI weatherization programs in each of the 6 counties. MPPDC subcontracted the promotion and construction portions of this project to Bay Aging but was tasked with administering the overall project. MPPDC is administering the revolving loan program per DMME.*

- **Funds available – \$45,875**

**EMERGENCY SERVICES**

**Funding – VDEM/FEMA/Homeland Security**

**Project 31212 – Middle Peninsula All-Hazards Mitigation Plan Update Yr2**

*MPPDC staff will work with participating localities to update the 2016 All-Hazards Mitigation Plan. The plan will address mitigation of several natural hazards impacting the region.*

- Sent email to AHMP Committee Members to collect updates to the All Hazards Mitigation Plan. This is part of the annual plan review that is required by FEMA. Updates are due to MPPDC staff by Friday, April 28, 2023.

## LOAN FUNDS FOR SEPTIC AND LIVING SHORELINES

Funding – VRA

### **Project 30420/30428 – On-Site Technical Guidance Assistance and Loan Program**

*The On-Site Technical Guidance Program aids the Middle Peninsula localities and residents in the technical understanding and implementation of approaches to address On-Site Disposal Systems and improve water quality by assisting local homeowners with repairing failing septic systems through low-interest loans and/or grants. In addition, MPPDC received funding under the Water Quality Improvement Fund (WQIF) to provide grants to low-to-moderate income Middle Peninsula and New Kent County homeowners to repair failing septic systems impacting water quality and health in the region. Grants can be paired with loans from the MPPDC Onsite Wastewater Revolving Loan Fund to provide matching funds as required. It is anticipated this funding will be used to provide assistance to 20-27 homeowners.*

- Continued to work with various clients interested in loan financing for septic repair.
- Completed and provided Certificate and Affidavit of Satisfaction to client who paid off their loan.
- ***Remaining uncommitted septic repair funds: \$115,935 in loan funds – \$42,081 in grant funds.***

### **Project 31500 – Living Shoreline Loan Program**

*The MPPDC Living Shoreline Incentive Program Loan Fund provides low interest loans to local homeowners to implement living shorelines. These funds will be used for erosion prevention and water quality control and to protect and enhance natural shoreline habitats using strategically placed plants, stone, sand fill and other structural and organic materials.*

- ***Remaining uncommitted living shoreline funds: \$0***

### **Project 33001 – Loan Fund Program for Septic and Living Shoreline**

*During 2022, the MPPDC received a \$3M line of credit for living shoreline and septic repair projects from the VA Resources Authority. The fund provides a single financing program for activities historically covered by the MPPDC's On-Site Technical Guidance and Living Shoreline Incentive Programs.*

- ***Remaining uncommitted funds: \$2,700,825 in loan funds - \$300,000 in grant funds.***

## AGENCY ADMINISTRATION

Funding - Indirect cost reimbursements from all PDC projects

### **MPPDC Administration**

*Administrative services provided to MPPDC programs. Planned FY23 Indirect Cost rate = 25.25%.*

- Prepared vouchers, processed A/P, processed deposits, and reconciled bank statements. Prepared monthly payroll run. Prepared monthly financial statements.
- Prepared final financial reports and/or reimbursement requests for all projects requiring them. Updated quarterly staff allocations.
- Reminded staff to complete timesheets and update award/grant Master File.
- Replenished office and kitchen supplies.
- Requested 4076C Governmental Information Letter which identifies MPPDC as a tax-exempt agency from the IRS on March 20, 2023. According to Ms. Snyder of the IRS, the letter is expected to be received in 10-14 business days.
- Waiting for a response from Jeff Greendyk of Xerox regarding credit for the scanning app that was useless for the agency.
- Received approval letter of our Indirect Cost Allocation Plan from Kelly Mitchell-Carroll of USDOT/MARAD.

- Sent FY22 Final Audit to funders and others who require it.
- Update vendor names to all CAPS in GMS to comply with Positive Pay standards. Need to determine if agency needs a MICR ink printer.
- Attended The Local Choice (TLC) Cardinal Datasheet Entry Virtual Forum. The Cardinal team, along with OHB and the Local Choice Support Team, reviewed the process to certify TLC Datasheets for the new health insurance plan year.
- Submitted FY24 Anthem health insurance renewal.
- Attended Virginia Retirement System's (VRS) Political Subdivision Virtual Roundtable - Group Life Insurance.
- Attended VACORP Hybrid Disability Spring Training 2023.
- Participated in the Grant Professionals Association - Virginia Chapter March meeting.
- Participated in a meeting with Stephanie Heintzleman of VACORP to review our coverage program and services.
- CFO and Deputy Director attended National Grants Management Association (NGMA) Annual Grants Training (AGT) April 10-13.
- CFO attended National Grants Management Association (NGMA) Grants Management Body of Knowledge (GMBok) April 13-15.

## **Closed Projects**

### **Project 30122 – Staff Support to Middle Peninsula Alliance (MPA) FY22**

*MPPDC staff are providing clerical and fiscal assistance to the Middle Peninsula Alliance.*

### **Project 30188 – VTC Water Trails Marketing**

*Consociate Media will produce blog and social media posts to drive traffic and activity to the Middle Peninsula page of the Virginia Water Trails website ([www.Virginiawatertrails.org](http://www.Virginiawatertrails.org)) to increase outdoor recreation and tourism for the Middle Peninsula.*

### **Project 30218 – Commuter Assistance Program (CAP) Operating FY22**

*This program assists local commuters and employers with transportation issues. The main emphasis is on lowering the number of single occupancy vehicle commutes within and from the Middle Peninsula region through marketing and promotion of the program through local media and provision of ride matching services to commuters.*

### **Project 30319 – Rural Transportation Planning FY22**

*This program provides rural transportation planning services through the Rural Transportation Planning Work Program which outlines specific tasks and goals to guide the rural planning of transportation services.*

### **Project 32151 – NFWF Landowners Living Shorelines & Shoreline Management – Ware River Yr2**

*This is a two-part project that focused on continuing coastal resiliency and mitigation efforts, while simultaneously improving water quality, managing shoreline erosion and marsh loss. First, MPPDC staff will work directly with FEMA National Flood Insurance repetitive loss property owners to offer grant and loan funds through the MPPDC Living Shorelines Incentives Revolving loan to install living shorelines. Second, MPPDC will contract with VIMS to create a grant template to be used by localities to receive funding through the Virginia Waterway Maintenance Fund.*

### **Project 32161 – Virginia Coastal TA FY22**

*This project provides ongoing support to member localities of the Planning District Commission and other stakeholders committed to improving community development and coastal management within the coastal zone.*

### **Project 32162 – DEQ Chesapeake Bay WIP Technical Assistance (Yr3)**

*MPPDC will continue to engage localities and regional and state partners regarding Bay WIP III programmatic actions and implementation activities with funding provided by DEQ.*

### **Project 32165 – DEQ CZM ANPDC Ecotourism V**

*This project will build on the efforts completed between 2020-2021. During this project, PDC's will focus on implementing actions identified in the 36-month Marketing Strategy and Action Plan. PDC's will also focus on Public Access Site Resiliency for public access locations within the region, including assessments, implementation strategies, and signage.*

### **Project 32168 – Septic Pumpout Program**

*This project will provide grants to 32 LMI Middle Peninsula homeowners to assist them in complying with the Chesapeake Bay Act requirement to have their septic tanks pumped out or inspected every 5 years.*

### **Project 38022 – FY22 Local & Regional Technical Assistance**

*This program responds to daily requests for technical assistance which other commission programs are unable to provide.*

## MPPDC: Membership, Appointments, Committee Assignments, and Networks

**Coastal Policy Team (CPT):** The CPT, whose members and alternates represent the Virginia Coastal Zone Management Program's key partners and eight planning district commissions, provides a forum for discussion and resolution of cross-cutting coastal resource management issues. Members serve on the team at the discretion of their agency or planning district commission director. The CPT recommends funding levels to the DEQ Director for coastal zone management projects. (MPPDC Staff 15 years +)

**Virginia Coastal Resilience Master Plan Technical Advisory Committee:** As appointed by the Governor in EO-71, a Technical Advisory Committee (TAC) with representatives of state agencies, coastal planning districts and regional commissions, and academic advisors, among others will facilitate the coordination and the development of the Virginia Coastal Resilience Master Plan. The Commonwealth's Chief Resilience Officer, Special Assistant to the Governor for Coastal Adaptation and Protection, and TAC will work with localities, regional entities, citizens, and stakeholder groups to identify critical infrastructure, at-risk communities, adaptation strategies, and specific resilience projects for inclusion in the Plan.

**Congressman Robert Wittman's Fisheries Advisory Committee and Environmental Advisory Committee:** (MPPDC Staff 8 years +)

**Virginia Sea Grant Program External Advisory Committee (EAC):** The EAC provides stakeholder input on the strategic planning process, the research proposal review process, and on Commonwealth-wide trends and needs. The EAC is a diverse group of end-users including representatives from state agencies, the education community, coastal planning and management, the private sector, and NGOs. (MPPDC Staff 9 years+)

**The Association for Commuter Transportation (ACT) (Telework Council Secretary):** ACT is the premier association for professionals and organizations whose focus is the delivery of commuting options and solutions for an efficient transportation system. The Telework Council is concerned with promoting telework and providing telework information and technical assistance to employers (MPPDC Staff 10 years+)

**The Coastal Society:** The Coastal Society is an organization of private sector, academic, and government professionals and students. The Society is dedicated to actively addressing emerging coastal issues by fostering dialogue, forging partnerships, and promoting communications and education. (MPPDC staff serves as a Director)

**Virginia Shoreline Working Group:** The Virginia Coastal Zone Management Program launched the working group in 2022 to focus in on complex regulatory and legal matters pertaining to shoreline management and to help advance shoreline protection and habitat restoration projects that can compete for federal funding.

**Virginia Bay Enhancement Working Group (BEWG):** The Northam Administration and VMRC launched BEWG in 2020 as result of administration policy of no future overboard discharge of dredged material. The group is tasked with identifying beneficial reuse opportunities for the 1 Million cubic yards of material that is dredged every 3-5 years from the York Spit Navigation Channel which is the primary shipping channel for the Baltimore Harbor in the southern section of the middle of the Chesapeake Bay. MPPDC staff were requested to serve to evaluate alternatives from around the Bay and including the Middle Peninsula.

**Government Finance Officers Association (GFOA):** The Government Finance Officers Association (GFOA), founded in 1906, represents public finance officials throughout the United States and Canada. The association's more than 20,000 members are federal, state/provincial, and local finance officials deeply involved in planning, financing, and implementing thousands of governmental operations in each of their jurisdictions. GFOA's mission is to advance excellence in public finance. (MPPDC Staff 9 years)

**National Grants Management Association (NGMA):** NGMA provides national and international leadership, helping its members achieve success in the grants management community through the advocacy of best practices and the promotion of professional excellence. (MPPDC Staff 2 years)



**Opportunities Identified to Implement Commission Priorities**  
*Proposals Status for Grant Applications Submitted During FY2023*

<b>Service Center</b>	<b>Project Title and Description</b>	<b>Date Applied</b>	<b>Funding Requested</b>	<b>Status</b>
Environmental	NFWF Small Watershed Grant: Ware River Shoreline Construction (Phase 2)	Apr. 2023	\$349,835	Submitted
Environmental	NFWF Coastal Resilience–Fight the Flood Staffing Capacity (Preapplication)	Mar. 2023	\$605,000	Submitted
Environmental	VA Outdoors Foundation Coastal Resilience Mini grants	Mar. 2023	\$10,000	Submitted
Environmental	NOAA/VCZMP Coastal Technical Assistance FY24	Mar. 2023	\$129,000	Submitted
Environmental	EPA CBPO Ware River Private Shoreline Construction	Mar. 2023	\$300,000	Submitted
Environmental	EPA CBPO MPCBPAA Hog Island Shoreline Construction	Mar. 2023	\$300,000	Submitted
Environmental	EPA CBPO New Point Comfort Natural Area Preserve Shoreline Protection	Mar. 2023	\$300,000	Submitted
Environmental	Mathews Gwynns Island Onsite Septic Repairs (Mathews Community Foundation)	Mar. 2023	\$10,000	Awarded
Transportation	VDRPT Commuter Assistance Program FY24	Feb. 2023	\$91,474	Submitted
Environmental	VPA ATLP East River Boat Yard Enhancements	Feb. 2023	\$400,000	Submitted
Environmental	VPA WMF Davis Creek Dredging	Feb. 2023	\$700,000	Submitted
MPCBPAA	VPA WMF Dredge Material Disposal Master Plan Development & Implementation	Feb. 2023	\$1,095,000	Submitted
Community Development	Working Waterfronts Resilience Assessments	Feb. 2023	\$54,841	Submitted
MPCBPAA	Captain Sinclairs ADA Accessibility Plan	Jan. 2023	\$50,000	Submitted
MPCBPAA	VA Water Trails Experiential Upgrades for Website	Jan. 2023	\$50,000	Submitted
Community Development	GOVA West Point Airport Industrial Site Evaluation	Jan. 2023	\$157,800	Awarded
Environmental	DEQ ARPA SLPP Septic Repair	Dec. 2022	\$730,195	Awarded
Environmental	CFPF Round 3 Supplemental - Gloucester Point Landing	Nov. 2022	\$1,276,332	Not Awarded
Environmental	CFPF Round 3 Supplemental - Middlesex Whiting Creek Public Boat Ramp Resilience	Nov. 2022	\$107,692	Awarded
Environmental	CFPF Round 3 Supplemental - Mathews Whites Creek Landing	Nov. 2022	\$160,669	Awarded
Environmental	CFPF Round 3 Supplemental - Mathews East R. Boat Yard	Nov. 2022	\$618,812	Awarded
Environmental	CFPF Round 3 Supplemental - Mathews Davis Creek Dredging	Nov. 2022	\$1,461,615	Awarded
Environmental	CFPF Round 3 Supplemental - PAA Sinclairs Road Elevation and Berm construction	Nov. 2022	\$146,000	Awarded
Environmental	CFPF Round 3 Supplemental - York R. Private Shoreline Construction (2 projects)	Nov. 2022	\$192,880	Awarded
Environmental	CFPF Round 3 Supplemental - Piankatank R. Private Shoreline Construction (1 project)	Nov. 2022	\$76,625	Awarded
Environmental	CFPF Round 3 Supplemental - Chesapeake Bayfront Private Shoreline Construction (1 project)	Nov. 2022	\$65,281	Not Awarded
Environmental	CFPF Round 3 Supplemental - Mobjack Bay Private Shoreline Construction (4 projects)	Nov. 2022	\$519,843	Awarded
Environmental	NSF MARTHA VA Sea Grant Resilience Monitoring	Nov. 2022	\$120,000	Submitted
Environmental	NOAA/VCZMP Hog Island 306A Shoreline Protection Construction	Nov. 2022	\$432,230	Awarded
Environmental	DEQ Chesapeake Bay WIP Technical Assistance 2023	Oct. 2022	\$72,500	Awarded
Environmental	NOAA Underserved Communities – Fight the Flood Staffing & Capacity	Oct. 2022	\$500,000	Not Awarded
Environmental	RAFT Dupont Mini grant - Septic Pumpouts for LMI Citizens	Sep. 2022	\$25,000	Awarded
Environmental	RAFT Dupont Micro grant - Fight the Flood video tutorials	Sep. 2022	\$5,000	Not Awarded
Environmental	FEMA BRIC Fight the Flood Analysis & Project Identification	Sep. 2022	\$300,000	Submitted
Haz. Mitigation	FEMA FMA Powers House Elevation	Sep. 2022	\$200,000	Awarded
Environmental	NOAA Mobjack Bay Habitat Restoration Projects Study	Aug. 2022	\$10,000	Not Awarded
MPCBPAA	DHCD Industrial Revitalization Fund Capt. Sinclairs Improvements	Aug. 2022	\$946,000	Not Awarded
Environmental	NOAA CBNERRS Fight the Flood Videos & Technical Assistance	Aug. 2022	\$50,000	Awarded
Transportation	Smart Scale Round 5 – Rt. 17 Woods Cross Roads Intersection Improvements	Jul. 2022	\$4,037,924	Recommended for Award
Transportation	Smart Scale Round 5 – Rt. 17 Glens Intersection Improvements	Jul. 2022	\$5,240,929	Not Recommended for Award

**Opportunities Identified to Implement Commission Priorities**  
*Proposals Status for Grant Applications Submitted During FY2023*

<b>Service Center</b>	<b>Project Title and Description</b>	<b>Date Applied</b>	<b>Funding Requested</b>	<b>Status</b>
MPCBPAA	NOAA IJJA West Point Airport Acquisition Letter of Intent	Jul. 2022	\$579,000	Not Awarded
MPCBPAA	NOAA IJJA Hog Island Letter of Intent	Jul. 2022	\$905,000	Not Awarded
MPCBPAA	NOAA IJJA Captain Sinclairs Addition Design Letter of Intent	Jul. 2022	\$213,000	Not Awarded
MPCBPAA	NOAA IJJA Tappahannock Acquisition Letter of Intent	Jul. 2022	\$520,100	Not Awarded
<b>FY 2023 Awarded Total (July 2022 – March 2023)</b>			<b>\$8,999,785</b> <b>(18 awards)</b>	
<b>FY 2023 Requested Total (July 2022 – March 2023)</b>			<b>\$24,666,693</b> <b>(44 proposals submitted)</b>	
<b>FY 2023 Funding Request Remaining Award Potential Total</b>			<b>\$4,855,150</b> <b>(16 proposals awaiting award decision)</b>	

## ACRONYMS

ACH	Automated Clearing House	PAA	Public Access Authority
AFID	Agricultural and Forestry Industries Development	RBOG	Rural Business Opportunity Grant
AHMP	All Hazards Mitigation Plan	RFP	Request for Proposal
BCC	Building Collaborative Communities Project	RFQ	Request for Qualifications
BOS	Board of Supervisors	RLF	Revolving Loan Fund
CBPA	Chesapeake Bay Preservation Area	RTP	Rural Transportation Planning
CDBG	Community Development Block Grant	SERCAP	Southeast Rural Community Assistance Project
CEDS	Comprehensive Economic Development Strategy	SHSG	State Homeland Security Grant
CIP	Capital Improvement Plan	SWCD	Soil and Water Conservation District
COI	Conflict of Interest	SWM	Storm Water Management
CZMP	Coastal Zone Management Program	SWRP	State Water Resource Plan
DEQ	Department of Environmental Quality	THIRA	Threat & Hazard Identification & Risk Assessment
DCR	Department of Conservation & Recreation	TMDL	Total Maximum Daily Loads
DGIF	Department of Game and Inland Fisheries	USACE	U.S. Army Corps of Engineers
DHR	Department of Historic Resources	USDA	U.S. Department of Agriculture
DHCD	Department of Housing and Community Development	USFWS	U.S. Fish and Wildlife Service
DMME	Department of Mines Minerals and Energy	VACORP	Virginia Association of Counties Risk Pool
DOE	Department of Energy	VAPA	Virginia Planning Association
DRPT	Department of Rail and Public Transportation	VAPDC	Virginia Association of Planning District Commissions
EDA	Economic Development Administration	VASG	Virginia Sea Grant
EDO	Economic Development Organization	VCP	Virginia Coastal Program
EECBG	Energy Efficiency and Conservation Block Grant	VCRMP	Virginia Coastal Resilience Master Plan
EOC	Emergency Operation Center	VCWRLF	Virginia Clean Water Revolving Loan Fund
EPA	Environmental Protection Agency	VCZMP	Virginia Coastal Zone Management Program
FEMA	Federal Emergency Management Agency	VDEM	Virginia Department of Emergency Management
Fracking	Hydraulic Fracturing	VDH	Virginia Department of Health
GIS	Geographic Information System	VDOT	Virginia Department of Transportation
HRPDC	Hampton Roads Planning District Commission	VEE	Virginia Environmental Endowment
LGA	Local Government Administrators	VIMS	Virginia Institute of Marine Science
LPT	Local Planning Team	VLCF	Virginia Land Conservation Fund
LSIP	Living Shoreline Incentive Program	VMRC	Virginia Marine Resource Commission
MOU	Memorandum of Understanding	VOAD	Volunteer Organization Active in Disasters
MPA	Middle Peninsula Alliance	VOP	Virginia Outdoors Plan
MPBA	Middle Peninsula Broadband Authority	VRA	Virginia Resources Authority
MPCBPAA	Middle Peninsula Chesapeake Bay Public Access Authority	VSMP	Virginia Stormwater Management Program
MPEDRO	Middle Peninsula Economic Development and Resource Organization	VTA	Virginia Tourism Association
NIMS	National Incident Management System	VTC	Virginia Tourism Corporation
NFWF	National Fish and Wildlife Foundation	VWP	Virginia Water Protection
NOAA	National Oceanic and Atmospheric Administration	VWWR	Virginia Water Withdrawal Reporting
NPS	National Park Services	WIP	Watershed Implementation Plan
OCVA	Oyster Company of Virginia	WQIF	Water Quality Improvement Fund
OLGA	Online Grant Administration		

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*Commonwealth of Virginia*

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Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

**Subject: Guidance Memo No. 23-XXXX – Environmental Justice in the Permitting Process**

**To:** Regional Directors, Division Directors, Office of Environmental Justice

**From:** Melanie D. Davenport, Director of Regulatory Affairs and Outreach

**Date:** TBD 2023

**Copies:** James J. Golden, Director of Central Operations; Jeffery A. Steers, Director of Regional Operations

**Summary:**

In 2020, the Commonwealth enacted the Virginia Environmental Justice Act (Act) and related implementing legislation. The Virginia Environmental Justice Act makes it Virginia’s policy “. . . to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice and fenceline communities.” Further, the Department of Environmental Quality’s (DEQ) enabling statute was amended to state that DEQ’s purpose, among others, is “to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies.” DEQ established an Office of Environmental Justice (OEJ) in April 2021 which includes a Program Manager and four Environmental Justice Coordinators.

DEQ understands the historical concerns with the administration of environmental laws, regulations, and policies, and DEQ recognizes the importance of ensuring the knowledge of existing practices that provide the opportunity for engagement and developing ways building upon these opportunities. This guidance describes how DEQ will ensure meaningful involvement and fair treatment in environmental permitting and is applicable to all DEQ permitting actions. Ensuring certainty and knowledge of the permitting process will allow for increased opportunities for engagement and effective administration of environmental laws, regulations, and policies, resulting in an enhancement of processes and practices of the past.

The definition of an Environmental Justice Community in the Act results in 53% of the total geographic area and 59% of the population of the Commonwealth being identified as an Environmental Justice Community (see map 1). This large area, the number of DEQ permit actions annually, and the Act requirements of meaningful involvement and fair treatment presents resource challenges to effective

implementation of the Act.

In any given year, DEQ receives thousands of applications, and processes approximately 3,000 permitting actions which include individual permit issuance, reissuance and modifications and authorization for coverage under general permits and permits by rule. General permits and permits by rule are not individual permit actions, rather, they are authorized by regulation and are not subject to the same public participation process as individual permit actions. Public participation for general permits and permits by rule are conducted during the applicable regulatory actions and are not included as permits of concern with the exception of permits by rule for Materials Recovery Facilities (MRFs) and Transfer stations. None of the procedures in this guidance supersede or change existing law or regulatory requirements regarding issuance or denial of permits.

The procedures in this guidance will create opportunity and growth in the ability to administer environmental laws, regulations, and policies, resulting in increased transparency, smart economic development, and enhanced environmental protection. This guidance compliments other ongoing efforts by DEQ to reduce barriers for engagement and ensure effective administration of environmental laws, regulations, and policies. To the extent possible, this guidance should be incorporated into ongoing efforts to enable permit applicants, as well as the public and any stakeholder, to track pending permits and access current information about the critical steps and permitting schedules associated with permit approvals.

#### **Electronic Copy:**

Once effective, an electronic copy will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality ([Virginia Regulatory Town Hall Home Page](#)).
- The Department's website at (<http://www.deq.virginia.gov/>).

#### **Contact Information:**

Please contact Manager, Office of Environmental Justice, at [danielle.simms@deq.virginia.gov](mailto:danielle.simms@deq.virginia.gov) or 804-914-3508, with any questions regarding the application of this guidance.

#### **Certification:**

As required by Subsection B of § 2.2-4002.1 of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in § 2.2-4101 of the Code of Virginia. Disclaimer: This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

**Effective Date:** \_\_\_\_\_ **Initials:** \_\_\_\_\_

# COMMONWEALTH OF VIRGINIA

## Department of Environmental Quality

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**A. Definitions:** based on the definitions in the Environmental Justice Act in Section 2.2-234 of Article 12 except for “permits of concern” and “potential disproportionate share of any negative environmental consequence”, which are DEQ definitions.

All permits will be evaluated based on their location within or outside of an Environmental Justice Community based on the following definitions.

"Community of color" means any geographically distinct area where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth (37.8% 2014-2018 American Community Survey (ACS)).

"Environmental justice community" means any low-income community or community of color.

"Fair treatment" means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

"Fenceline Community" means an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution.

"Low income" means having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level (2011-2018 ACS).

"Low-income community" means any census block group in which 30 percent or more of the population is composed of people with low income.

"Meaningful involvement" means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and (ii) decision makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

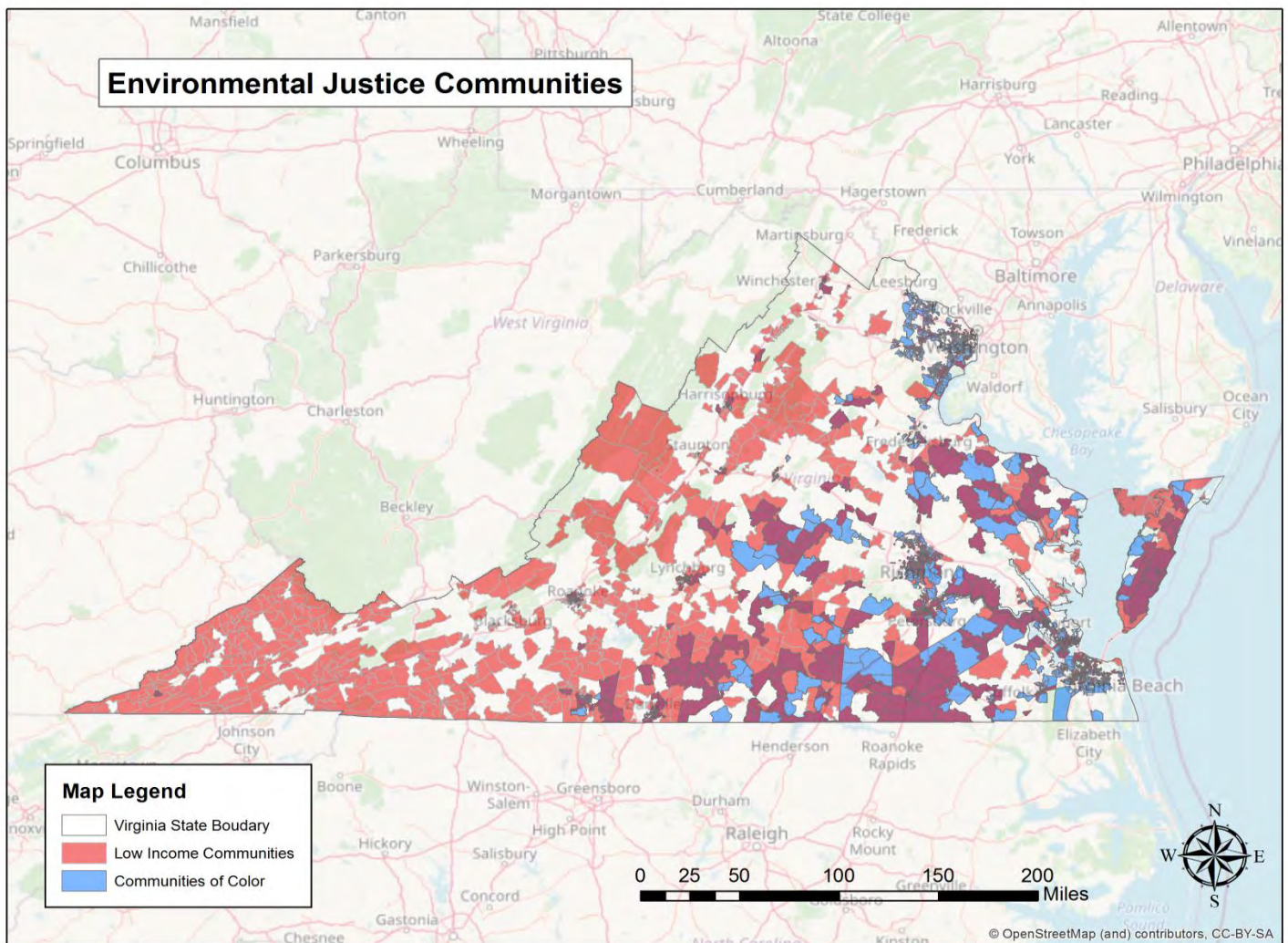
"Permits of concern" means those identified by DEQ based on agency experience working with applicants, Citizen Boards and stakeholders on permits of interest to communities.

"Population of color" means a population of individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

“Potential disproportionate share of any negative environmental consequence” means an environmental justice community where a proposed permit action meets or exceeds the evaluation criteria in Section D of this guidance.

## B. Environmental Justice Communities:

Environmental justice communities are those census block groups in which 30 percent or more of the population is composed of people having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level or any geographically distinct area where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth (37.8% 2014-2018 ACS). In addition to these statutorily defined environmental justice communities, there may be communities or partial communities with a unique historical importance, population of color or other characteristics which are not identified by traditional screening or mapping tools. These areas will be evaluated on a case by case basis by the OEJ and included in the meaningful involvement and fair treatment process as appropriate. Environmental justice communities in the Commonwealth are depicted in the map below:



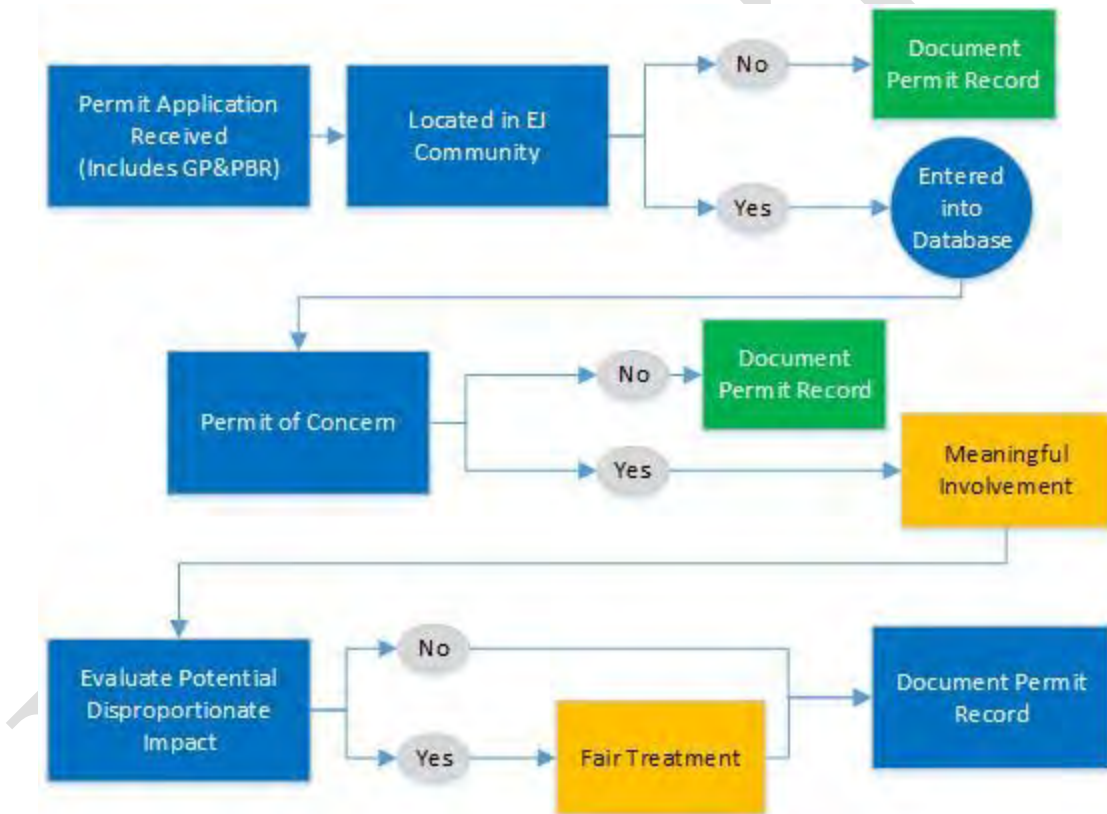
Map 1 All Environmental Justice Communities in the Commonwealth of Virginia per census block group. Purple areas represent Environmental Justice Communities identified by both the Low Income Communities layer and the Communities of Color layer (<http://www.deq.virginia.gov/EJmap>).



### C. Environmental Justice Permit Evaluation Process:

All permit actions (including general permits and permits by rule) will be evaluated to determine if they are located within an environmental justice community. This information will be recorded in the DEQ database for inventory and compliance tracking. Due to the large area of the Commonwealth considered environmental justice communities, and the volume of permit actions processed annually, further evaluation of general permits and permits by rule will not be conducted. All permits of concern for facilities proposed to be located in an environmental justice community will receive meaningful involvement and be evaluated for a potential disproportionate share of any negative environmental consequence. Should a potential disproportionate share of any negative environmental consequence be identified, fair treatment will be addressed in the permit action.

Permit Evaluation Process – flow chart



#### 1. Permits of Concern:

Permits of concern represent a subset of the permit actions DEQ may process in any given year. These permits are identified based on DEQ’s experience working with applicants, citizen Boards and stakeholders on permits historically of interest to communities. Additionally, identification of a smaller universe of permit actions will allow limited DEQ resources to be applied to those areas of greatest environmental justice concern through the meaningful involvement and fair treatment process. Importantly, community concerns about permits not identified as a permit of concern will be considered on a case-by-case basis for meaningful involvement and fair treatment.

PERMITS of CONCERN
AIR <sup>1</sup>
Construction of a new major source or major modification to an existing major source
Construction of a new major source or major modification to an existing fossil fuel-fired generating facility with a capacity of 500 megawatts or more
Construction of a new major source or major modification to an existing fossil fuel-fired compressor station facility used to transport natural gas (this excludes fossil fueled backup compressor station power)
WATER
VPDES new or expanded major municipal ( $\geq 25$ MGD) and new or expanded major industrial discharges
VWP wetlands individual permits greater than 10ac wetlands or 25,000 lf stream proposed impacts
Groundwater new individual permits ( $> 1.0$ MGD) or expanded existing withdrawals
Surface Water Withdrawal new individual or expanded existing withdrawals
LAND
New or expanded solid waste landfills
New or modified hazardous waste permitted Treatment / Storage / Disposal Facilities
New or expanded materials recovery facility or transfer station covered by Permit by Rule
Other Permits on Case by Case Basis

<sup>1</sup> New stationary sources and projects at existing stationary sources that are exempt from permitting under 9VAC5 Chapter 80, operating permits and permit amendments are not considered permits of concern.

## 2. Meaningful Involvement:

In consultation with the appropriate Regional Directors, Division Directors, Program Managers, permit staff and Communications Office, the OEJ Coordinators will reach out to their community contacts to gauge interest in proposed permits of concern in the following manner:

- a) If the community, community leaders, civic leaders, etc. living in or representing the community do not express an interest or concern for the proposed permit action, the OEJ Coordinator will document their findings from their environmental justice review and initial outreach efforts to include with the permit application documentation. This will conclude the environmental Justice review.
- b) If the community, community leaders, civic leaders, etc. in or representing the community express interest, concern, or opposition to the proposed permit action, OEJ Coordinators will direct the Permit Applicant to provide early engagement to communities tailored to their interests and needs, assist if possible, and monitor the progress of such engagement.
- c) Permit actions identified as requiring meaningful involvement will be posted on the DEQ website within five days of being so identified.

The table below sets forth a process toolkit for meaningful involvement. The intent of the matrix is to provide the greatest flexibility to meet a community's needs.

## Public Engagement Matrix for Permitting

Process Point	Initial Outreach Activities Options	Purpose for Initial Outreach	Additional Outreach Activities- as Needed	Purpose for Additional Outreach
<b>Application submitted</b>	Direct outreach to known community contacts, networking, social media, phone/text, circulating OEJ contact information, surveys Direct outreach to applicant to determine their outreach plans	To gauge interest in and concern about the project; to inform the community about the proposed project, process, and anticipated timeline; to respond to community concerns; to check in with communities as draft permit nears completion, to potentially coordinate with the applicant on outreach	Informational meetings, listening sessions, walking or driving tours, working sessions, site visits, ongoing communication	To facilitate communication with and/or provide community feedback to permit writer and/or applicant; to check in with community as additional information becomes available; to gather information about meeting various community accessibility needs (translation services, time of day for meetings, location etc.)
<b>Prior to public meetings, hearings, and/or comment periods</b>	Direct outreach to known community contacts, networking, social media, phone/text	To gauge interest in and concern about the project, to inform the community about the public process and timeline	Informational meetings, ongoing communication	To provide updated information; to gather information about meeting accessibility needs
<b>Public meetings, hearings, and/or comment periods</b>	Work with permit writers and Office of Communication on early engagement	To comply with statutory or regulatory public engagement requirements; to enhance outreach efforts in EJ communities	Incorporate accessibility options in public meetings and hearings, monitor public comments and work with technical staff to provide timely responses	To improve accessibility and engagement in the public process, to seek out comment from members of affected EJ communities
<b>Closing the loop on DEQ permitting decisions</b>	Direct outreach to known community contacts, social media	To communicate the permitting decision to the community and to answer any questions	Informational meetings, ongoing communication, surveys	To provide additional information about the permit and/or the process; to evaluate perceptions of OEJ and early engagement

### 3. Fair Treatment:

Fair treatment addresses the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy. This is a broad and comprehensive consideration involving industry, government and commercial entities holistically. For the purpose of this guidance, DEQ will address equitable consideration, within the limits of agency authority, for any proposed permit of concern located in an environmental justice community with a potential disproportionate share of any negative environmental consequence. DEQ will actively engage permit applicants to voluntarily take additional measures to minimize or mitigate any potential disproportionate share of impacts from the proposed permit action to the fullest extent possible.

DEQ engagement with applicants regarding fair treatment efforts, and the potential disproportionate impact evaluation detailed in Section D will be included in the permit record along with the documentation of meaningful involvement.

Specifically, these measures will include one or more of the following (in order of precedence);

- a) Engage the applicant to evaluate additional treatment and operational actions to reduce or further minimize pollutants or impacts beyond regulatory requirements.
- b) The applicant will be asked to consider engaging the community to identify potential community projects or initiatives for reduction or mitigation of any negative environmental consequences that could result from the proposed permit action, or other beneficial community projects as appropriate.
- c) DEQ will evaluate the need for any additional ambient air, receiving stream or other environmental monitoring to further evaluate potential impacts.
- d) DEQ will evaluate the appropriateness of enhanced compliance scrutiny under the Risk Based Inspection Strategy (<http://www.deq.virginia.gov/RiskBasedAssessment>) for the proposed facility and surrounding permitted facilities as appropriate.

#### **D. Potential Disproportionate Impacts in Environmental Justice Communities:**

Environmental justice communities may experience a potential disproportionate share of any negative environmental consequences as a result of a proposed permit action. While all permits issued by DEQ are required to meet applicable state and federal standards for public involvement and the protection of human health and the environment, permits of concern proposed in these areas will undergo an additional potential disproportionate impact evaluation. The evaluation is a screening tool for identifying potential impacts based on air modeling, proximity to impaired waters or existing landfills. The evaluation does not make any determination or finding of specific or cumulative environmental impacts.

##### **1. Permits for Air Pollution Control:**

The following process will be used to define whether there is a potential for a “disproportionate share of any negative environmental consequences” in an environmental justice community as a result of emissions from a new or modified stationary source of air pollution (i.e. permits of concern).

All modeling results shall be evaluated to ensure compliance with the applicable National Ambient Air Quality Standards (NAAQS). The Clean Air Act (CAA) requires EPA to set NAAQS for pollutants considered harmful to public health and the environment. These standards provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly. No permit shall be issued to a new stationary source or project that causes or significantly contributes to a modeled NAAQS violation.

The potential for a disproportionate share of any negative environmental consequences in an environmental justice community may exist when all of the following criteria are met for any single regulate NSR pollutant:

- a) The cumulative modeling for a pollutant and averaging period exceeds 90% of the NAAQS in an environmental justice community.
- b) The maximum air quality impact resulting from the new stationary source or project (by itself), at any ambient air location within the environmental justice community that exceeds 90% of the NAAQS, is equal to or greater than the impact thresholds in Table 1.

- c) The difference between the cumulative modeled maximum impact in the environmental justice community and cumulative modeled maximum impact in the closest non-environmental justice community is equal to or greater than the impact thresholds in Table 1.

Pollutant	Averaging Period	Impact Threshold (µg/m <sup>3</sup> )
Nitrogen Dioxide (NO <sub>2</sub> )	1-hour	7.5
Nitrogen Dioxide (NO <sub>2</sub> )	Annual	1
Carbon Monoxide (CO)	1-hour	2,000
Carbon Monoxide (CO)	8-hour	500
Sulfur Dioxide (SO <sub>2</sub> )	1-hour	7.9
Particulate Matter ≤ 10 µm (PM <sub>10</sub> )	24-hour	5
Particulate Matter ≤ 2.5 µm (PM <sub>2.5</sub> )	24-hour	1.2
Particulate Matter ≤ 2.5 µm (PM <sub>2.5</sub> )	Annual	0.2
Ozone (O <sub>3</sub> )	8-hour	1.0 ppb

**2. Water Permits (VPDES, VWP, Groundwater Withdrawal, and Surface Water Withdrawal):**

The four water permit types addressed in this guidance apply to distinctly different water resources including point source discharges to streams, filling or draining of wetlands and streams and groundwater resources. Given these distinct water resources, a water quality impairment approach was used to screen environmental justice communities with a potential disproportionate share of any negative environmental consequences.

The DEQ Water Quality Assessment program prepares a watersheds layer that identifies the number of impaired waterbodies in every National Hydrography Dataset Hydrologic Unit Code 12 (NHD HUC12) watershed based on the most current EPA approved 305(b)/303(d) Integrated Report. Among the other methods explored, this method was the most straightforward representation of localized potential negative environmental consequences and was impacted the least by monitoring priorities, buried and piped urban streams, and the ubiquitous nature of some impairments. Using this watersheds layer, an intersection analysis was performed to identify the average number of impairments in watersheds intersected by environmental justice communities compared to the average number of impairments in watersheds intersected by non-environmental justice communities and statewide.

**Table 1. Summary statistics on the number of impairments in watersheds intersected.**

	Mean	Minimum	First Quartile	Median	Third Quartile	Maximum
<b># impairments in watersheds intersected by all CBGs*</b>	3.77	0	1	2	4.5	51
<b># impairments in watersheds intersected by all non-</b>	3.82	0	1	3	4.5	51

<b>environmental justice community CBGs</b>						
<b># impairments in watersheds intersected by all environmental justice community CBGs</b>	5.03	0	3	3	6	51

\*Census block group (CBGs)

Based on these results, it was determined that environmental justice communities that fall within watersheds with five (5) or more water quality impairments ([deq.virginia.gov/EJWatersheds](http://deq.virginia.gov/EJWatersheds)) may experience a potential disproportionate share of negative environmental consequences.

### 3. Land Permits (Solid and Hazardous Waste):

The potential disproportionate impact evaluation for a proposed land permit action is based on the location of existing permitted municipal solid waste or coal combustion residuals (CCR) landfills in a 5-mile radius. An intersection analysis was performed to identify all CBGs within a 5-mile radius of active Municipal Solid Waste Permits or active CCR Solid Waste Permits. This analysis was run for environmental justice communities, non-environmental justice communities, and statewide.

**Table 2. Proportion of CBGs intersected by active Municipal Solid Waste Permits or active CCR Solid Waste Permits using a 5-mile buffer.**

	<b>Proportion of CBGs intersected with 5-mile buffer</b>
<b>Statewide</b>	19%
<b>Non-environmental justice communities</b>	18%
<b>Environmental justice communities</b>	24%

Environmental justice communities within a 5-mile radius of an active Municipal Solid Waste Permit or an active CCR Solid Waste Permit ([deq.virginia.gov/EJSWP5mi](http://deq.virginia.gov/EJSWP5mi)) may experience a potential disproportionate share of negative environmental consequences.

### E. Internal DEQ Coordination:

OEJ Coordinators will work with Program Managers and permit staff to plan meetings, answer community questions, and when appropriate, manage public comments. OEJ staff will work with the Communications Office on social media posts, webpage creation and updates, meeting materials and other communication tasks as needed.

#### 1. Reporting:

After completion of all regulatory public involvement activities but prior to a final permit action, the OEJ Coordinator working with the permit staff will document the entire meaningful involvement and fair treatment process for inclusion in the permit record. The documentation will include, but is not limited to,

- List of community meetings both formal and informal with DEQ
  - Project Proponent Efforts
  - meeting materials
  - attendance lists
  - pre and post survey results
  - social media posts and engagement of each post,
  - response to comments, when applicable
  - recordings, both video and audio if available
- Webpages
  - Webpage engagement (if appropriate)
- List of meetings with permittee
  - DEQ OEJ staff meeting with permittee and program staff
    - Location
    - Attendees
    - Topics of discussion and any decisions made at the meeting
  - Permittee public meetings (optional)
    - Location and number of attendees only
    - Topics addressed
- Site visit(s)
  - Field report form(s)
- Concerns and their resolution
  - Issues raised by community members
  - Issues raised to permittee
  - Issues resolved or not resolved
- Potential disproportionate impact evaluation
  - Includes Fair Treatment determination under Section C.3.a),b),c) and d).

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