



# COMMONWEALTH of VIRGINIA

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December 1, 2009

## MEMORANDUM

**TO:** The Honorable Timothy M. Kaine and  
Members of the Virginia General Assembly

**FROM:** David K. Paylor 

**SUBJECT:** Roanoke River Basin Advisory Committee 2009 Annual Report

Pursuant to VA. CODE ANN. § 62.1-69.35:2 (2009), the Virginia Department of Environmental Quality ("DEQ") forwards the attached 2009 Annual Report for the Roanoke River Basin Advisory Committee. The report provides a summary of the Committee's activities for 2009. Additional copies of the report may be obtained by calling Scott Kudlas, Director, Office of Surface and Ground Water Supply Planning, at (804)698-4456. The report is also available on the DEQ website at: <http://www.deq.virginia.gov/regulations/reports/html>.

We look forward to continued service to the Virginia General Assembly. Should you require further information concerning this report, please do not hesitate to contact Jeff Reynolds, Water Resource Advisor, Office of Policy, at (804)698-4376.

**A REPORT TO  
THE HONORABLE TIMOTHY M. KAINÉ, GOVERNOR,  
AND  
THE GENERAL ASSEMBLY OF VIRGINIA**

**VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE  
2009 ANNUAL REPORT**

**DECEMBER 1, 2009**

August 18, 2009

**MEMORANDUM**

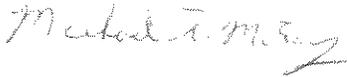
To: The Honorable Members of the General Assembly

Re: Virginia Roanoke River Basin Advisory Committee 2009 Annual Report

The “Virginia Roanoke River Basin Advisory Committee Annual Report,” prepared pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia § 62.1-69.35:2 is available from the Department of Environmental Quality’s (DEQ) website at: <http://www.deq.virginia.gov/regulations/reports.html>. A hard copy can be obtained by calling Scott Kudlas, Director, Office of Surface and Ground Water Supply Planning for the Department of Environmental Quality, at (804) 698-4456 or Tammy Stephenson, Senior Water Supply Planner, at (540) 562-6828. The report provides information about the group’s activities for 2009.

I look forward to serving the people of the Roanoke River Basin during the coming year as the VRRBAC continues its work.

Sincerely,



Mike McEvoy  
Co-Chairman

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## **Virginia Roanoke River Basin Advisory Committee**

### **Executive Summary**

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. VRRBAC assists the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to Virginia Code § 62.1-69.39.

VRRBAC hosted several presentations at meetings with topics of interest to the basin, including uranium mining and biosolids.

This report provides information regarding VRRBAC's activities during the 2008 calendar year and identifies issues important to the success of VRRBAC and to the Roanoke River Basin.

## **I. Introduction**

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. VRRBAC assists the Virginia delegation in fulfilling its duties and carrying out the objectives of the Commission pursuant to Va. Code § 62.1-69.39. VRRBAC is composed of 23 members that include one ex-officio U. S. Representative, six ex-officio Virginia legislative members, 13 non-legislative citizen members, and three ex-officio members from North Carolina. The planning district commissions (PDCs) located in the Roanoke River Basin (Basin) recommended 11 of the non-legislative citizen members of the advisory committee, while the Senate Committee on Rules and the Speaker of the House each appointed one non-legislative citizen member. These non-legislative citizen members reside within the Basin's watershed, represent the diversity of interests within the Basin area, and have demonstrated interest, experience, or expertise in water-related Basin issues.

The Roanoke River Basin Bi-State Commission was established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina. The purpose of the Commission is to:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;
2. Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;
3. Promote communication, coordination and education among stakeholders within the Basin;
4. Identify Basin-related problems and recommend appropriate solutions; and
5. Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

## **II. Meetings and Locations**

VRRBAC meets throughout the Basin in an effort to make the meetings available to all Basin constituents. This year the VRRBAC held four meetings, in Richmond, Clarksville, Penhook, and Danville.

### **III. Organization**

Mike McEvoy of Roanoke is the Chairman of the Virginia Roanoke River Basin Advisory Committee. Read Charlton of Charlotte Court House and Robert Conner of Ebony are Vice Chairmen. These officials were elected to provide a geographical, urban, and rural balance to VRRBAC's leadership.

### **IV. Current Membership of VRRBAC**

There are currently 20 members on the VRRBAC. North Carolina is expected to provide three ex-officio members in the coming year. A list of current members is provided below.

Senator Roscoe Reynolds	Walter Coles, Chatham
Senator Frank M. Ruff	John H. Feild, Mecklenburg
Delegate Kathy J. Byron	Haywood J. Hamlet, Phenix
Delegate Thomas C. Wright, Jr.	Evelyn Janney, Floyd
Delegate Charles Poindexter	Bob Jean, Brookneal
Delegate Onzlee Ware	Russell Johnson, Wirtz
Representative Tom Perriello	John Lindsey, Penhook
Mike McEvoy, Chairman, Roanoke	Billy Martin, Blue Ridge
Read Charlton, Vice Chair, Charlotte Court House	Tim Pace, Collinsville
Robert H. Conner, Vice Chair, Ebony	Mark Wagner, Huddleston

### **V. Non-legislative Delegates to the Roanoke River Basin Bi-State Commission**

Mike McEvoy, John Feild, and Haywood Hamlet are the non-legislative delegates to the Roanoke River Basin Bi-State Commission and were appointed by the Governor.

### **VI. Subcommittees**

The VRRBAC has six subcommittees that mirror those established by the Roanoke River Basin Bi-State Commission: Agriculture, Forestry, Soil and Water Conservation Districts; Lake Interests; Public Officials and Government Entities; Permit Holders; River Interests; and Basin Interests. These subcommittees are set up to parallel the structure of the North Carolina counterpart so that the groups can easily interface with each other. The subcommittees are designed to bring together the most knowledgeable people on an issue to accomplish the work of VRRBAC. The subcommittees must receive broad-based input from as many interested parties as possible. The subcommittees have added or are seeking members that will represent stakeholders throughout the Basin. An effort is made to maintain a geographical and urban/rural balance. VRRBAC members serve as the chairs and vice-chairs of these subcommittees. Other members may serve as their particular skills are needed. The current composition of the subcommittees is listed below.

Agriculture, Forestry, Soil and Water Conservation Districts: Haywood Hamlet - Chairman, Evelyn Janney - Vice-Chairman, Walter Coles, Robert Conner, and Mark Wagner.

Lake Interests: Robert Conner - Chairman, Charles Poindexter - Vice-Chairman, John Feild. Other citizen members include Jean McCarter.

Permit Holders: John Lindsey - Chairman, Mike McEvoy - Vice-Chairman and Read Charlton. Other citizen members include Barry Dunkley, William Johnson, Maureen Castern, C.J. Mitchem, and Bill Reidenbach.

Public Officials and Government Entities: To be determined.

River Interests: Bob Jean – Chairman, Read Charlton - Vice-Chairman and Billy Martin. Bud LaRoche is representing the Virginia Division of Game and Inland Fisheries (DGIF) on the Committee. Other citizen members include Pamela Kent Pettus, Maureen Castern, J. T. Davis, Jerry Lovelace, and Tom Stutts.

Water: Mike McEvoy – Chairman, Robert Conner - Vice-Chairman, Tim Pace, and Walter Coles. Other citizen members include William Johnson.

The sub-committees continue recruiting members and gathering information. As the Roanoke River Basin Bi-State Commission has become active and established committees, the sub-committees will become more active in providing support to the Bi-State Commission, as was the intent of the enabling legislation.

#### **VIII. 2009 Presentations to the Committee**

- Janit Llewellyn, VA Dept. of Conservation and Recreation, "Green Infrastructure"
- John P. Gannon, Virginia Tech Graduate Student in physical Hydrogeology, "Hydrogeology at Coles Hill (Uranium Mining)"
- Leslie P. Foldesi, M.S., CHP, VA Dept. Of Health, "Radiation, Water Standards, and Uranium Mining/Milling"
- Katherine Mull, Dan River Basin Association, "Uranium Mining for Virginia"
- Neil Zahradka, Manager, Office of Land Applications, VA Dept. of Environmental Quality, "Biosolids Program"

## Appendix A

### Chapters 5.4 and 5.5 of Title 62.1 of the Code of Virginia

#### Chapter 5.4

§ 62.1-69.34. Virginia Roanoke River Basin Advisory Committee established; purpose; membership; terms; meetings.

A. The Virginia Roanoke River Basin Advisory Committee, hereinafter referred to as the "Committee," is hereby established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. The Committee shall assist the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § 62.1-69.39. The advisory committee shall be composed of 23 members as follows: two members of the Senate, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member at large appointed by the Senate Committee on Rules; one nonlegislative citizen member at large appointed by the Speaker of the House of Delegates; 11 nonlegislative citizen members selected by the legislative members of the advisory committee such that two are chosen from recommendations of each of the following: the Central Virginia Planning District Commission, the West Piedmont Planning District Commission, the Southside Planning District Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning District Commission; and one member selected by the legislative members of the advisory committee from among recommendations submitted by the New River Valley Planning District Commission; and the Virginia member of the United States House of Representatives, whose district includes the largest portion of the Basin, or his designee, and three representatives of the State of North Carolina appointed in a manner as the General Assembly of North Carolina may determine appropriate. Except for the representatives of North Carolina, all nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The Virginia member of the United States House of Representatives, the members of the Virginia General Assembly, and the representatives of North Carolina shall serve ex officio without voting privileges. Of the recommendations submitted by planning district commissions authorized to recommend two members, one member shall be a nonlegislative citizen who resides within the respective planning district. However, the New River Valley Planning District Commission may recommend either one nonlegislative citizen at large who resides within the planning district or one member, who at the time of the recommendation, is serving as an elected member or an employee of a local governing body, or one member of the board of directors or an employee of the planning district commission. All persons recommended by the planning district commissions to serve as members of the advisory committee shall reside within the Basin's watershed, represent the diversity of interests in

the jurisdictions comprising the respective planning district commissions, and demonstrate interest, experience, or expertise in water-related Basin issues.

B. State and federal legislative members and local government officials appointed to the advisory committee shall serve terms coincident with their terms of office. Nonlegislative citizen members appointed by the Senate Committee on Rules and the Speaker of the House of Delegates to serve on the advisory committee, and ex officio members representing the State of North Carolina shall serve a term of two years. Initially, planning district commissions authorized to recommend two nonlegislative citizen members to the advisory committee shall recommend one member for a term of two years and one member for a term of one year. However, the nonlegislative citizen member recommended to serve on the advisory committee by the New River Valley Planning District Commission shall serve a term of one year. After the initial staggering of terms, the term of office of nonlegislative citizen members recommended by the planning district commissions shall be for two years. Nonlegislative citizen members recommended by planning district commissions shall be eligible for reappointment, if such members shall have attended at least one-half of all meetings of the Commission during their current term of service. Nonlegislative citizen members shall serve for no more than three consecutive two-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment. The remainder of any term to which a nonlegislative citizen member is appointed to fill shall not constitute a term in determining the member's eligibility for reappointment.

The advisory committee shall elect a chairman and a vice-chairman from among its voting members. A majority of the voting members shall constitute a quorum. The meetings of the advisory committee shall be held at the call of the chairman or whenever the majority of the voting members so request.

#### § 62.1-69.35. Compensation and expenses.

Legislative members of the advisory committee shall receive such compensation as provided in § 30-19.12, and non-legislative members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of members shall be paid from such funds as may be provided to the Department of Environmental Quality in the appropriations act for this purpose.

#### § 62.1-69.35:1. Staffing.

The Department of Environmental Quality shall provide staff support to the advisory committee. All agencies of the Commonwealth shall provide assistance to the advisory committee, upon request.

#### § 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

The chairman of the advisory committee shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the advisory committee no later than the first day of each regular session of the General Assembly.

The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

#### Chapter 5.5

##### § 62.1-69.36. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basin" means the Roanoke River Basin.

"Roanoke River Basin" means that land area designated as the Roanoke River Basin by the Virginia State Water Control Board, pursuant to § 62.1-44.38, and the North Carolina Department of Environment and Natural Resources.

##### § 62.1-69.37. Roanoke River Basin Bi-State Commission established; purpose.

The Roanoke River Basin Bi-State Commission is hereby established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina and hereinafter referred to as the Commission. The Commission shall:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;
2. Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;
3. Promote communication, coordination and education among stakeholders within the Basin;
4. Identify Basin-related problems and recommend appropriate solutions; and
5. Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

##### § 62.1-69.38. Membership; terms.

A. The Commission shall be composed of 18 voting members that include nine members representing the Commonwealth of Virginia and nine members representing the State of North Carolina. The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three nonlegislative citizen members appointed to the Virginia Roanoke River Basin Advisory Committee, who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia. The North Carolina delegation to the Commission shall be appointed as determined by the State of North Carolina. All members appointed to the Commission by the Commonwealth of Virginia and the State of North Carolina shall reside within the Basin's watershed. Members of the Virginia House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate, and federal legislators, who have not been appointed to the Commission and whose districts include any portion of the Basin, shall serve as nonvoting ex officio members of the Commission.

B. Legislative members of the Virginia delegation, federal legislators, and local government officials, whether appointed or ex officio, shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed to serve two-year terms, unless the member is reappointed by the appointing authorities of each state. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

C. Each state's delegation to the Commission may meet separately to discuss Basin-related issues affecting their state, and may report their findings independently of the Commission. A majority of the voting members shall constitute a quorum.

§ 62.1-69.39. Roanoke River Basin Bi-State Commission powers and duties.

A. The Commission shall have no regulatory authority.

B. To perform its duties and objectives, the Commission shall have the power to:

1. Develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members;
2. Establish standing and ad hoc advisory committees, which shall be constituted in a manner to ensure a balance between recognized interests. The purpose of each advisory committee shall be determined by the Commission;
3. Seek, apply for, accept and expend gifts, grants and donations, services and other aid from public or private sources. With the exception of funds provided by the planning district commissions and funds appropriated by the General Assemblies of Virginia and North Carolina, the Commission may accept funds only after an affirmative vote by a majority of the members of the Commission or by following such other procedures as may be established by the Commission for the conduct of its business;
4. Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;
5. Enter into contracts and execute all instruments necessary or appropriate; and
6. Perform any lawful acts necessary or appropriate for the furtherance of its work.

§ 62.1-69.40. Standing and ad hoc committees.

To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize participation by all interested parties, the Commission shall establish both standing and ad hoc committees. The Commission shall appoint the members of the standing and ad hoc committees, in accordance with guidelines adopted by the Commission. The standing committees shall include, but not be limited to, the following:

1. Permit holders. The Commission shall identify those entities that hold permits issued by a federal, state or local regulatory agency pertaining to the water of the Basin. Such entities may recommend a representative to be appointed to the committee by the Commission;
2. Roanoke River Basin interest groups. The Commission shall identify interest groups that may recommend a representative to be appointed to the committee by the Commission;

3. Public officials and government entities. The committee shall be composed of representatives of each county, city and town located completely or partially within the Basin, and any other governmental entities that the Commission deems appropriate may recommend one member to be appointed to the committee by the Commission. The committee may also include the U.S. Senators from Virginia and North Carolina or their designees, and any member of the U.S. House of Representatives or his designee, whose district includes any portion of the Basin, if such members elect to serve on the committee; and

4. Agriculture, forestry and soil and water conservation districts. The Commission shall identify persons who represent agricultural and forestry interests throughout the Basin and representatives from the soil and water conservation districts within the Basin and shall appoint representatives from these groups to the committee.

§ 62.1-69.41. Staffing and support.

The Virginia Department of Environmental Quality and the North Carolina Department of Environment and Natural Resources shall provide staff support to the Commission. Additional staff may be hired or contracted by the Commission through funds raised by or provided to it. The duties and compensation of such additional staff shall be determined and fixed by the Commission, within available resources. All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of Environment and Natural Resources or their designees shall each serve as the liaison between their respective state agencies and the Commission.

§ 62.1-69.42. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Funding for the Commission shall be shared and apportioned between the Commonwealth of Virginia and the State of North Carolina. The appropriation of public funds to the Commission shall be provided through each state's regular process for appropriating public funds. The Virginia planning district commissions within the Basin shall bear a proportion of Virginia's share of the expenses, which may be in the form of in-kind contributions.

B. The Commission shall designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North Carolina State Auditor prescribe, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the appropriate legislative oversight committees in each state.

§ 62.1-69.43. Compensation and expenses.

A. Legislative members of the Virginia delegation to the Commission shall receive such compensation as provided in § 30-19.12, and non-legislative members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All voting members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § § 2.2-2813 and 2.2-2825. However, all such expenses shall be paid from existing appropriations and funds provided to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

Members of the Virginia House of Delegates and the Senate of Virginia, and members of the Virginia Congressional delegation, who have not been appointed to the Commission, whose districts include any portion of the Basin, and who serve as nonvoting ex officio members of the Commission shall serve without compensation and expenses.

Nonlegislative citizen members appointed to any standing committees or ad hoc committees shall serve without compensation and expenses.

B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel expenses as follows:

1. Ex officio legislative members who are members of the General Assembly at the rate established in North Carolina G.S. 138-6;
2. Commission members who are officials or employees of the State or of local government agencies at the rate established in North Carolina G.S. 138-6; and
3. All other members at the rate established in North Carolina G.S. 138-5.

§ 62.1-69.44. Annual report required.

The Commission shall submit an annual report, including any recommendations, to the Governor and General Assembly of Virginia and the Governor and General Assembly of North Carolina.