

**A REPORT TO**  
**THE HONORABLE TERENCE R. McAULIFFE, GOVERNOR,**  
**AND**  
**THE GENERAL ASSEMBLY OF VIRGINIA**

**ROANOKE RIVER BASIN BI-STATE COMMISSION**  
**2016 ANNUAL REPORT**

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## Roanoke River Basin Bi-State Commission

### Executive Summary

The Roanoke River Basin Bi-State Commission was established in the executive branch of state government. Duties and powers of the Roanoke River Basin Bi-State Commission are pursuant to Virginia Code §§ [62.1-69.37](#) and [62.1-69.39](#).

This report, which is required by Virginia Code § [62.1-69.44](#), provides information regarding the Roanoke River Basin Bi-State Commission's activities during the 2015 - 2016 fiscal year. The Bi-State Commission meets throughout the Roanoke River Basin, alternating states, in an effort to make the meetings available to all Basin constituents. The Bi-State Commission met on October 14, 2015 at the New College Institute in Martinsville, Virginia.

In accordance with the By-Laws, the Commission underwent a succession of officers. The Virginia delegation representative assumed the Chair position. The meeting then included reports from the North Carolina delegation and the Virginia Roanoke River Basin Advisory Committee. The topics involved were the water expansion project at Philpott Lake by the Henry County Public Service Authority, an update on the current state of stormwater regulations in Virginia, uranium mining, and water allocation policy. Additionally, presentations were given regarding an update on the Kerr Lake Regional Water System Interbasin Transfer request and Virginia's enforcement activities related to the Duke Energy Dan River coal ash incident. Neither the standing committees nor the ad hoc committee met in 2016. No specific recommendations were made and a next meeting is to be determined. Further details of the Virginia Delegation's work can be found on the Virginia Roanoke River Basin Advisory Committee's [website](#).

This constitutes the Chairman's executive summary of activity and work of the advisory committee, pursuant to Virginia Code § [62.1-69.35:2](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas C. Wright, Jr.", with a stylized flourish at the end.

Delegate Thomas C. Wright, Jr.

Chairman, Roanoke River Basin Bi-State Commission

## **Introduction**

The Roanoke River Basin Bi-State Commission (RRBBC) is composed of members from the Commonwealth of Virginia and the State of North Carolina. Pursuant to Va. Code § [62.1-69.37](#), the purpose of the Bi-State Commission is to:

“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 [Roanoke River] Basin's water and other natural resources;

Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;

Promote communication, coordination, and education among stakeholders within the Basin;

Identify Basin-related problems and recommend appropriate solutions; and

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.”

## **Organization**

At the time of the October 14, 2015 meeting, Delegate Tommy Wright (VA) was Chair, Senator Angela Bryant (NC) was 1<sup>st</sup> Vice Chair, and Haywood Hamlet (VA) was 2<sup>nd</sup> Vice Chair. By-Laws, adopted in August 2009, provide for the Chair to rotate annually between Virginia and North Carolina. Senator Angela Bryant’s succession to Chair will be confirmed at the next RRBBC meeting. Haywood Hamlet will become 1<sup>st</sup> Vice Chair and a North Carolina member will be appointed to 2<sup>nd</sup> Vice Chair.

## **Current Membership of RRBBC**

Section [62.1-69.38](#) of the Code of Virginia establishes membership on the Bi-State Commission as follows:

“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 nonlegislative members are recommended by the Virginia Roanoke River Basin Advisory Committee and appointed by the Governor. Legislative members are appointed by the Governor. The North Carolina delegation is appointed in a similar fashion. Gerald Lovelace was appointed to the Virginia Delegation in February 2016. No other appointments have been made over the past year.

There are currently 18 members on the Bi-State Commission, nine from Virginia and nine from North Carolina. A list of current members is provided below.

### **Virginia**

Senator William Stanley  
Senator Frank Ruff  
Senator David R. Suetterlein  
Delegate James Edmunds II  
Delegate Thomas Wright, Jr.  
Delegate Charles Poindexter  
Delegate Sam Rasoul  
Haywood Hamlet, nonlegislative member  
Gerald Lovelace, nonlegislative member  
Tim Pace, nonlegislative member

### **North Carolina**

Representative Susan Martin  
Representative Bert Jones  
Representative Bryan Holloway  
Representative Larry Yarborough  
Senator Angela Bryant  
Senator Shirley Randleman  
Senator Joyce Krawiec  
Nate Hall, nonlegislative member  
Chuck Peoples, nonlegislative member

### **Standing and Ad Hoc Committees**

Pursuant to Va. Code § [62.1-69.40](#), the Bi-State Commission has four legislated standing committees: Permit holders; Roanoke River Basin interest groups; Public officials and government entities; and Agriculture, forestry, and soil and water conservation districts. Pursuant to the enabling legislation, the Bi-State Commission must establish the above-mentioned standing committees, but may also establish other standing and ad hoc committees the Bi-State Commission deems necessary and appropriate. In 2009, the Bi-State Commission created the Water Allocation Ad Hoc Committee to develop alternatives for allocating water supply storage from Kerr Reservoir. Neither the standing committees nor the ad hoc committee met in 2016.

### **Meetings and Locations**

The Bi-State Commission met on October 14, 2015 at the New College Institute in Martinsville, Virginia. Presentations were given by North Carolina Department of Environmental Quality (NCDEQ) staff on the Kerr Lake Regional Water System (KLRWS) interbasin transfer (IBT) request and by the Virginia Department of Environmental Quality (VADEQ) on the enforcement activities related to the Duke Energy coal ash spill. Related to the KLRWS IBT request, NCDEQ presented the project timeline, current status of the project, public comments received, and the authority of the North Carolina Environmental Management Commission. The KLRWS IBT certificate was approved by the Environmental Management Commission on November 5, 2015. Related to the Duke Energy coal ash spill, VADEQ presented on the monitoring and analysis being completed, water quality test results, ongoing cleanup activities, environmental funds set up by Duke Energy, and current grant projects approved for funding. Discussions were held following each presentation. The committee made no formal recommendations. The draft minutes are included in Appendix A.

**Appendix A – Meeting Minutes as prepared by the Virginia Department of Environmental Quality**

**Roanoke River Basin Bi-State Commission  
DRAFT Meeting Summary  
Wednesday, October 14, 2015  
New College Institute, Martinsville, Virginia**

**RRBBC members present**

Delegate Tommy Wright (Chair), Senator Angela Bryant (1<sup>st</sup> Vice Chair), Haywood Hamlet (2<sup>nd</sup> Vice Chair), Representative Susan Martin, Representative Larry Yarborough, Senator Frank Ruff, Senator Joyce Krawiec, Tim Pace, Chuck Peoples, Jerry Lovelace

**Guests**

Christopher Blakeman, Al Zimmerman, Read Charlton, Don Smith, Linda Green (representing Congressman Robert Hurt), Phil Rapp (representing Senator William Stanley), Mike Pucci, Bob Jean, Christy Lipscomb, Susan Kyte, Greg Godard, David Hoback, William Pace, Andrew Lester, Barry T. Dunkley

**VADEQ Staff present**

Scott Kudlas, Curt Thomas

**NCDEQ Staff Present**

Tom Fransen, Harold Brady, Linwood Peele

**Call to Order**

Chairman Wright called the meeting to order. Mr. Pace thanked New College Institute for hosting the RRBBC meeting.

**Recognition of Members and Guests**

Chairman Wright welcomed members and guests. Introductions of members and guests were given.

**Succession and Election of Officers**

Mr. Kudlas updated the Commission on the established By-Laws and the process of succeeding and electing officers. Representative Susan Martin moved to succeed the Chair position to Virginia, and seconded by Senator Frank Ruff. Delegate Tommy Wright (VA) assumed Chair, Senator Angela Bryant (NC) assumed 1<sup>st</sup> Vice-Chair, and Haywood Hamlet (VA) assumed 2<sup>nd</sup> Vice-Chair. Mr. Jerry Lovelace was welcomed to the Commission as the third non-legislative member from Virginia.

*Action Items: Send RRBBC updates to webmaster (completed Oct. 26, 2015)  
Send appointment materials for Mr. Lovelace to the Office of the Governor  
(completed November 2015)*

### **Approve Draft Meeting Minutes from December 18, 2014**

The minutes of the December 18, 2014 RRBBBC meeting were unanimously approved after a motion by Haywood Hamlet, and seconded by Senator Angela Bryant.

*Action Item: Send approved meeting minutes to webmaster (completed Oct. 21, 2015)*

### **NC Delegation to the Roanoke River Basin Bi-State Commission Report**

Senator Angela Bryant provided a report on the activities of the NC Delegation to the RRBBBC. The NC Delegation met on the morning of October 14, 2015 and received presentations regarding the Kerr Lake Regional Water System interbasin transfer request, uranium mining, coal ash spill, and discussions about water allocations with the RRBBBC.

Chairman Wright thanked Senator Bryant for her update and agreed that the RRBBBC should continue moving forward with conversations regarding water allocation topics.

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

Mr. Pace provided a report on the activities of the VRRBAC to the RRBBBC. The VRRBAC met on the morning of October 14, 2015 and received presentations on the water expansion project at Philpott Lake with the Henry County Public Service Authority and an update on the current state of stormwater regulations from VADEQ staff. Mr. Pace also reported that the VRRBAC met previously to perform strategic planning and organize itself to enhance the advisory committee's effectiveness. Chairman Wright thanked Mr. Pace for his update.

### **Kerr Lake Regional Water System Interbasin Transfer Update**

Mr. Brady presented an update on the Kerr Lake Regional Water System (KLRWS) interbasin transfer request to the Commission. The presentation followed the project timeline, the current status of the project, public comments received, and the authority of the North Carolina Environmental Management Commission (EMC). The current 10 MGD interbasin transfer allowance for KLRWS is based on the grandfathered existing basin transfer capacity of the water system in 1993. The KLRWS has an existing allocation from the United States Army Corps of Engineers allowing withdrawals up to 20 MGD from Kerr Lake. This interbasin transfer request would raise the current 10 MGD allowable basin transfer to 14.2 MGD based on 2045 projected water use demands. Many of the public comments asked for an environmental impact statement to be completed for the project; however, an Environmental Assessment was produced and fully reviewed per state IBT and SEPA statutes. The EMC is expected make a final determination on the KLRWS interbasin transfer request at their November 2015 meeting.

NCDEQ and VADEQ staff then responded to questions from RRBBBC members and guests. Senator Martin asked about the main differences between North Carolina and Virginia legislation for water transfers. Mr. Kudlas answered that Virginia does not have a separate certificate for interbasin transfers. Virginia requires any withdrawal of 300,000 gallons per month or greater to be permitted. Senator Martin also asked about the order of magnitude of this withdrawal. Mr. Brady and Mr. Fransen responded that it is about a 2 inch difference in terms of lake level and less than 1% in average flow of rivers; a small percentage of volume in Kerr Lake. Mr. Dunkley asked about the details of the Environmental Assessment. Mr.

Brady stated that it looks at a slew of alternatives, conducts a full model evaluation on Kerr Lake, and includes a water conservation plan in the conditions for the interbasin transfer certificate. Mr. Blakeman inquired if 2045 is a long enough horizon from a planning perspective. Mr. Brady answered that the EMC uses a 30-year timeframe when looking at interbasin transfer certificates. Mr. Lovelace commended the Hearing Officers Report and commented that legislative judgment should not be taken over science in regards to an environmental impact statement. Senator Bryant explained that an environmental impact statement would have occurred had there not been a Finding of No Significant Impact but in this case an environmental assessment was sufficient. Senator Ruff reflected that there is need for cooperation in order to make sure an exemption does not become a precedent. Delegate Wright and Senator Bryant concurred with the need for further cooperation.

### **Duke Energy Dan River Coal Ash Incident Enforcement Update**

Mr. Thomas presented an update on the Virginia related monitoring and enforcement of the Duke Energy Dan River coal ash incident. The coal ash spill occurred on February 2, 2014, releasing an estimated 39,000 tons of coal ash into the Dan River. The EPA, VADEQ, NCDEQ, and U.S. Fish and Wildlife Service (USFWS) responded to the event and continue to monitor that status of the watershed. Based on VADEQ monitoring and analysis, there is no observable risk in the waterways based on the coal ash spill related to water quality standards. However, this is not a statement that there is no overall damage to the Dan River.

Mr. Thomas then went over the recent actions taken against Duke Energy and ongoing activities related to the spill. VADEQ issued a consent order against Duke Energy, which resulted in a settlement of \$2.5 million. \$2.25 million will be used in a fund for Virginia environmental projects and the remaining \$250,000 will go into a fund for environmental emergency responses. VADEQ is also collaborating with NCDEQ and USFWS on a natural resource damage assessment and restoration plan (NRDAR) funded by Duke Energy. The goal of NRDAR is to assess the potential natural resource injuries from release of the coal ash into the Dan River. Mr. Thomas also informed the Commission about the Water Resources Fund, a \$10 million fund for projects benefiting waterways in the Carolinas, Virginia, Tennessee, and Georgia. Grants are distributed to projects related to water quality, quantity, and conservation, enhancing fish and wildlife management habitats, and expanding public use and access.

The following responses relate to questions posed by RRBBC members during the presentation. Mr. Thomas and Mr. Brady compiled answers from experts dealing with the Dan River coal ash spill. The Duke Energy Water Resources Fund is not a national fund, but rather a regional fund limited to projects in North Carolina, South Carolina, Virginia, Tennessee, and Georgia. Virginia's long-term, post-spill assessment monitoring is scheduled to last 3 to 5 years, depending on the results of those reports. Thus far, there has been no indication of aquatic life impacts based on: 1) no exceedances of water quality standards (with exception of a few lead values near a Danville intake shortly after the release; related to drinking water criteria); and 2) no sediment concentrations for metals of concern above VADEQ's screening values. VADEQ staff is completing the first year fish tissue analysis (160 samples) and will release those results shortly, but early indications are that metal levels are not a concern. There has not been an effect on VADEQ staff resources for other



monitoring sites as all costs for this special Dan River monitoring are reimbursed by Duke Energy.

*Action Item: Circulate presentations to all RRBBB members (completed Oct. 27, 2015)*

Chairman Wright and the RRBBB members thanked Mr. Brady and Mr. Thomas for their presentations.

### **Other Business**

Representative Martin mentioned that it would be beneficial for the RRBBB to understand the differences and similarities between North Carolina and Virginia regarding water allocation legislation. Several members reiterated this point and suggested it could also improve collaboration amongst the Bi-State Commission. This was tabled as a possible agenda item for future meetings.

Mr. Pucci provided a brief update on the uranium mining case with Virginia Uranium and the Commonwealth of Virginia. The Roanoke River Basin Association and Dan River Basin Association asked to be intermediaries on the case.

*Action Item: VADEQ and NCDEQ to look into the options for the RRBBB to submit a letter about uranium mining*

### **Future Meetings**

Both North Carolina and Virginia delegations to the Bi-State Commission expressed interest in holding a follow-up meeting. Due to legislative sessions, several members recommended scheduling a full Bi-State meeting in the April to May timeframe. Chairman Wright noted that the next Bi-State meeting will be held in North Carolina and suggested holding it in the lower section of the Roanoke Basin. Mr. Thomas will be in contact with members to circulate dates and locations for the next meeting. All suggestions for dates, locations, and agenda items can be sent to Curt Thomas ([Curtis.thomas@deq.virginia.gov](mailto:Curtis.thomas@deq.virginia.gov), 804-698-4024) or Harold Brady ([harold.m.brady@ncdenr.gov](mailto:harold.m.brady@ncdenr.gov), 919-793-6170).

Potential agenda items for the next meeting were also discussed. Chairman Wright summarized the topics in the following list:

1. Water allocation policy and legislation overviews from North Carolina and Virginia
2. Army Corps presentation on 216 studies and water allocations
3. Further update on Dan River coal ash spill
4. Legal update on Virginia Uranium lawsuit

Meeting adjourned at 2:45pm.

## Appendix B - 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. 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 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.

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