

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

ROANOKE RIVER BASIN BI-STATE COMMISSION
2017 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 2016 - 2017 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 Virginia Delegation of the Bi-State Commission met on June 29, 2017 at the Clarksville Distance Learning Center in Clarksville, Virginia. The North Carolina Delegation joined via videoconference from Raleigh, North Carolina.

In accordance with the By-Laws, the Commission underwent a succession of officers. The Virginia delegation representative assumed the Chair position. The meeting included presentations on the Dan River Coal Ash legal and technical issues in North Carolina, the Albemarle Pamlico National Estuary Partnership program, and a status update on the North Carolina Roanoke River Basin Water Supply Plan. 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 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,

Haywood J Hamlet

Haywood Hamlet

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 June 29, 2017 meeting, Senator Angela Bryant (NC) was Chair, Haywood Hamlet (VA) was 1st Vice Chair, and Representative Larry Yarborough (NC) was 2nd Vice Chair. By-Laws, adopted in August 2009, provide for the Chair to rotate annually between Virginia and North Carolina. Haywood Hamlet’s succession to Chair was confirmed at the June 29, 2017 meeting. Representative Larry Yarborough will become 1st Vice Chair, and a Virginia member will be appointed 2nd 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
Delegate James Edmunds II
Delegate Thomas Wright, Jr.
Delegate Charles Poindexter
Delegate Sam Rasoul
Haywood Hamlet, nonlegislative member
Gerald Lovelace, nonlegislative member
Billy Martin, 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 2017.

Meetings and Locations

The Bi-State Commission met on June 29, 2017 at the Clarksville Distance Learning Center in Clarksville, Virginia and the Innovation Center in Raleigh, North Carolina. The meeting was held in person as well as via videoconference to accommodate North Carolina’s legislative members, who were in session. Presentations were given by North Carolina Department of Environmental Quality (NCDEQ) staff on legal and technical issues related to the Dan River Coal Ash Spill and the status of the North Carolina Roanoke River Basin Water Supply Plan. Ms. Debra Watts, NCDEQ Animal Feeding Operations and Groundwater Protection Branch Supervisor, spoke about the six NC Duke Energy facilities with ongoing litigation and answered questions regarding the surface water conditions and water quality sampling procedures used at the facilities. Mr. Ian McMillan, NC Division of Water Resources Basin Planning Branch Chief, then provided a brief update on the ongoing Kerr Lake Reallocation Study and the goals of the study. Virginia DEQ will have an opportunity to review the reallocation and water supply planning study as soon as it is reviewed internally by North Carolina DEQ. Senator Angela Bryant stated that a representative from the United States Army Corps of Engineers would be invited to speak at the next Bi-State Commission meeting about water planning in the Roanoke River basin. The committee made no formal recommendations. The Bi-State Commission expressed interest in another meeting in the October/November timeframe. The draft minutes are included in Appendix A.

Appendix A – Meeting Minutes as prepared by the North Carolina Department of Environmental Quality

Draft
Roanoke River Basin Bi-State Commission (RRBBC)
Innovation Center, Raleigh, NC
Video Conference

Summary of Minutes from June 29, 2017 Meeting

North Carolina (NC) delegation of the RRBBC members present:

Sen. Angela Bryant (chair),
Rep. Susan Martin,
Rep. Larry Yarborough,
Sen. Joyce Krawiec,
Sen. Shirley Randleman,
Rep. Bert Jones, and
Rep. Kyle Hall

Virginia (VA) delegation of the RRBBC members present:

Sen. Frank Ruff,
Del. Tommy Wright,
Del. Sam Rasoul,
Billy Martin,
Gerald Lovelace

North Carolina Department of Environmental Quality (NCDEQ) staff: Harold Brady, Tom Fransen, Ian McMillan, Bill Crowell, Stacey Feken, Debra Watts, and Marla Sink

Virginia Department of Environmental Quality (VADEQ) staff: Curt Thomas, Brian McGurk

Other attendees: Greg Goddard, Read Charlton (VRRBAC), Randolph Stowe (VRRBAC), Christopher Blakeman (VRRBAC), Al Zimmerman (VRRBAC)

This meeting was conducted through video conference technology (WebEx), thereby, enabling the membership from both states to have discussions while maintaining their other obligations as State Senators and Representatives. This was particularly important for the North Carolina delegation as the NC General Assembly was still in session on Thursday, June 29. The handouts for each informational item discussed in the meeting are included as an appendix at the end of the meeting summary.

The meeting was called to order at approximately ten minutes after 2:00 PM by Sen. Angela Bryant (chair). She welcomed the group to the meeting and asked that we begin as quickly as possible due to technical issues delaying the start of the meeting and the uncertainty of timing for when the NC General Assembly would be called back into session. The NC delegation was able to attend due in large part to a short recess called by both chambers; therefore, most of the NC delegation joined the video conference from within the North Carolina General Assembly building.

The first item on the agenda was general commission business, primary consisting of detailing the current leadership appointments. Following the by-laws of the RRBBC, Virginia delegate Mr. Haywood Hamlet was announced as the new chair of the Commission. Rep. Larry Yarborough volunteered and subsequently confirmed as the new 1st vice chair (e.g., NC delegation chair), and Mr. Al Zimmerman was selected as the 2nd vice chair. Sen. Frank Ruff made the motion to approve the new commission leadership and Sen. Joyce Krawiec offered the subsequent 2nd. The selection of leadership was then voted on and passed unanimously.

The Commission then discussed the time frame for scheduling the next meeting, to be hosted by Virginia. Mr. Curt Thomas, VADEQ RRBBC liaison, mentioned that they were planning to have a VA delegation meeting in the October/November timeframe and that it could potentially be expanded to a full RRBBC meeting. Several members spoke up in favor of an in-person meeting, but conceded that if needed a web conference would be a good option to get more of the membership involved.

Following the commission business, the first informational agenda item was an update to the coal ash litigation summary (Handout No. 1) originally prepared by the NCDEQ General Counsel for the July 2016 NC delegation meeting. Ms. Debra Watts, NCDEQ Animal Feeding Operations and Groundwater Protection Branch Supervisor, spoke to the six NC Duke Energy facilities with ongoing litigation, reiterating the description from the summary handout at the bottom of page 1 and top of page 2.

Ms. Watts then provided detailed information related to coal ash technical issues both for groundwater and surface water conditions. She went through each of the bullets in the handout (Handout No. 2) including surface water conditions on the Dan River, status of the Coal Ash Management Act Reporting Requirements, and Excavation and Closure Status. Ms. Watts' presentation generated considerable questions primarily related to timing of various activities and goals. Sen. Bryant asked why there seemed to be such a hold up with the groundwater data sampling. Ms. Watts responded that groundwater sampling activities occur quarterly and since a minimum of 10 samples are needed to meet EPA guidelines, it requires approximately 2.5 years to complete. In addition, the sampling events need to be spaced several months apart to detect changes and multiple samples need to be taken to develop an accurate assessment of the background conditions.

Mr. Jerry Lovelace asked when the action plans, mentioned during Ms. Watts' discussion of the excavation and closure status, are expected to be approved and released. Ms. Watts responded that these action plans should be expected within a couple months with implementation likely in 2018. Mr. Lovelace then asked if recent

flooding had resulted in contamination of or problematic for sampling efforts. Ms. Watts confirmed that no contamination had occurred to her knowledge from the recent flooding and that these events have not delayed to the on-going sampling activities. To avoid any potential surface or groundwater contamination at the Duke Energy Dan River Steam Station facility, it has been classified as “high risk” and the coal ash storage ponds have largely been excavated and transported to an approved landfill in Jetersville, VA. Mr. Read Charlton asked what the total tonnage was removed from the Duke Energy Dan River facility. Ms. Watts reiterated the information from the handout that outlines the 1.2 million tons of coal ash removed. Mr. Lovelace then expressed that more cooperation between North Carolina and Virginia needs to be done, so that the most recent information from both parties can be shared regularly.

Following the lengthy discussion on the coal ash issue, Mr. Ian McMillan, DWR Basin Planning Branch Chief, provided a brief update on the ongoing Kerr Lake Reallocation Study. Mr. Mcmillan read the statute related to the study requirements to provide the outlined goals of the study and provided some preliminary results (Handout No.3). The primary “take-away” from the presentation was that the water supply demands of the basin are expected to be met through at least 2060. The study report is currently expected to be finalized in late 2017. Del. Tommy Wright asked about the legislative process and if Virginia had been involved in the crafting. Mr. McMillan responded that the initial legislation was issued in 2013 and only involved North Carolina officials to his knowledge. Mr. Tom Fransen, NCDEQ Water Planning Section Chief, then stated that the Virginia DEQ will be provided the draft document for review and comment once it has gone through internal NCDEQ review. Del. Wright then asked how long Virginia DEQ will have to review the document because they will need sufficient time to distribute and allow others to adequately review the document. Mr. Fransen stated that coordination will occur between NCDEQ and Virginia DEQ to allow for sufficient review time, but that they should expect to see the draft in mid- to late-August. Mr. Fransen reiterated that cooperation and coordination between the two states will be critical. Mr. Larry Yarborough and others spoke up that they are also very interested in reading the report.

Following the discussion on the Kerr Lake Reallocation Study, Mr. Bill Crowell, Director of Albemarle Pamlico National Estuary Partnership (APNEP) provided a brief background on the program (Handout No. 4) that involves stakeholders from both North Carolina and Virginia. The program is hosted by NCDEQ, supported by EPA grants, and is celebrating its 30th anniversary this year. APNEP is planning to hold meetings with the respective Virginia and North Carolina DEQ Directors to discuss opportunities for beneficial collaboration on waterways of mutual interest. Mr. Charlton asked if the Alligator and Scuppernong Rivers are included within the program and Mr. Crowell confirmed that they are.

Since the APNEP discussion was the last informational item on the agenda, Sen. Angela Bryant moved the discussion onto other business. She opened the other business portion of the meeting with stating that she wanted to ensure that a representative from the United States Army Corps of Engineers related to water planning in the Roanoke River basin would be invited to speak at the next meeting of the RRBBC. This should be included as an agenda item to update the RRBBC on management and operation activities with the Roanoke River basin. Furthermore, the DEQ RRBBC staff liaisons should work together with assisting with the APNEP meeting involving the DEQ Secretaries, mentioned earlier.

Following these two points, Sen. Bryant asked if anyone had anything else to offer before adjourning the meeting. Del. Sam Rasoul spoke up that he represents 11th District of Virginia where a proposed natural gas pipeline is planned to transect. This proposed pipeline is separate from the larger Atlantic Coast Pipeline, which he felt has had significantly more review and impact assessment than this smaller pipeline further south in the Virginia. Nonetheless, the public in his district are concerned about impacts of the proposed pipeline and lack of detailed review. Sen. Bryant instructed both liaisons for the RRBBC to ensure that this be included as an agenda item at the next meeting of the RRBBC.

With no further business to discuss, Sen. Bryant thanked the attendees and adjourned the meeting at approximately 10 minutes after 3:00PM.

Post meeting follow-up: NCDEQ and VADEQ representatives and liaisons of the RRBBC held a conference call on July 10 to discuss ways to improve communication and preparedness for future meetings. It was agreed that North Carolina DEQ would look into establishing a new listserv for distribution of announcements and information that representatives from both states can use. Furthermore, there was a significant discussion on the possibility of posting information on the internet prior to the meeting on a single website that both states can use. It was noted that state statutes may restrict these efforts, but that the NCDEQ staff would look into possible solutions that meet the requirements for both state statutes.

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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