

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #16: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL): RECOMMENDED LOCAL GOVERNMENT ACTIONS**

#### **SUBJECT:**

The Environmental Protection Agency (EPA) is expected to release the final Chesapeake Bay TMDL on December 30, 2010. Virginia submitted its final Watershed Implementation Plan to EPA on November 29, 2010.

#### **BACKGROUND:**

At the November 17, 2010 Executive Committee meeting, HRPDC staff briefed the HRPDC on the regional concerns with the Chesapeake Bay Total Maximum Daily Load (TMDL) and on local government policy and program options regarding the TMDL. Based on the briefing, the Commission authorized the HRPDC staff to distribute a statement of principles for potential environmental and Chesapeake Bay related legislation to the Hampton Roads General Assembly Delegation and to the Hampton Roads Congressional Delegation.

Since the November 17, 2010 meeting, Virginia has submitted a revised Watershed Implementation Plan (WIP) that addresses the majority of the concerns of the Hampton Roads communities. This plan contains stronger reasonable assurances that nutrient reductions will be achieved on agricultural lands; calls for greater reductions of nutrients in wastewater treatment plant discharges; and lessens the burden on MS4 localities to reduce nutrients from existing development. It is expected that EPA will accept Virginia's revisions and not impose the "backstops" contained in the TMDL.

The HRPDC and the localities will continue to work with Virginia agencies to develop the locality specific loads during the Phase II WIP process. Once these loads are developed, they will be incorporated into the locality's Municipal Separate Storm Sewer System (MS4) permits.

HRPDC staff will:

- Schedule a meeting with local government city attorneys and HRPDC Special Legal Counsel Dave Evans to assess the merits of appealing the TMDL.
- Continue working with local government staff to develop a regional technical approach to influence the Phase II WIP.

HRPDC Senior Water Resources Planner Jennifer Tribo will brief the Commission on local government policy and program options regarding the Chesapeake Bay TMDL.

**RECOMMENDED ACTIONS:**

- 1) Authorize staff to schedule a meeting with Hampton Roads General Assembly representatives to discuss concerns and potential solutions.
- 2) Authorizing staff to schedule a meeting with Hampton Roads Congressional Delegation members or their staff to discuss concerns and potential federal solutions.