

## **AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING**

### **ITEM #7: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL): RECOMMENDED LOCAL GOVERNMENT ACTIONS**

#### **SUBJECT:**

The Environmental Protection Agency (EPA) released the final Chesapeake Bay TMDL on December 29, 2010. The EPA accepted Virginia's Watershed Implementation Plan and did not implement the proposed backstop measures that were extraordinarily expensive.

#### **BACKGROUND:**

At the December 15, 2010 Executive Committee meeting, HRPDC staff briefed the Board on the revised Watershed Implementation Plan (WIP) that Virginia submitted to the EPA that describes how the state will meet nutrient reductions required to clean up the Bay. The Virginia WIP addressed the majority of the concerns of the Hampton Roads communities. The 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. The EPA accepted Virginia's revisions and did not impose the "backstops" contained in the draft TMDL. The final Chesapeake Bay TMDL was released on December 29, 2010.

A copy of EPA's responses to the HRPDC regional comments is included and HRPDC staff drafted a one page summary of the EPA's response and highlighted issues that were not resolved in the final TMDL.

The final TMDL defines the nutrient reductions required by watershed but it does not define the reductions required by locality. The Phase II of the Virginia WIP will allocate reductions by locality or by permit holders. A draft of the Phase II implementation plan must be submitted to the EPA by September 2011.

Based on the Commission's direction in December, HRPDC staff:

- Tentatively scheduled a meeting with local government city attorneys and HRPDC Special Legal Counsel Dave Evans to assess the merits of appealing the TMDL during the week of January 24-28.
- Requested to present Bay TMDL concerns to the Hampton Roads General Assembly representatives at their Caucus meeting on January 13.
- Requested subcommittee meeting with Commission members to discuss the draft battleplan and legislative recommendations.

A formal resolution defining regional concerns about the Chesapeake Bay TMDL has been drafted and is included for the Commission's review and approval.

HRPDC Principal Water Resources Planner Whitney Katchmark will brief the Commission on the potential policy and program options regarding the Chesapeake Bay TMDL.

Attachments: HRPDC summary of EPA response to regional comments  
HRPDC resolution regarding the Chesapeake Bay TMDL

**RECOMMENDED ACTION:**

Approve the Chesapeake Bay TMDL resolution.