

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #17: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

A. PROGRAM UPDATE

SUBJECT:

The Environmental Protection Agency (EPA) released the final Chesapeake Bay TMDL on December 29, 2010 that incorporated Virginia's Phase I Watershed Implementation Plan (WIP). Virginia is required to develop a Phase II WIP November 2011 that divides target nutrient reductions into a finer geographic scale (counties, sub-watersheds) and identifies specific controls and practices that will be implemented, no later than 2017, to meet interim water quality goals.

BACKGROUND:

At the January 20, 2011 Quarterly Commission meeting, HRPDC staff provided the Commission with an update on the Chesapeake Bay TMDL and outlined the actions that HRPDC staff would take to assist localities in preparing for the requirements of the TMDL. Phase II of the Watershed Implementation Plan is currently due by November 2011, but may be extended to February 2012. EPA expects the nutrient reductions to be divided into smaller scales such as localities or sub-watersheds. EPA wants to know what actions the localities will take to get to those reductions. HRPDC staff recommended creating a regional framework to coordinate data collection, data analysis and policy development.

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

- Distributed the Hampton Roads Chesapeake Bay TMDL Resolution to Hampton Roads General Assembly representatives.
- Sent a letter to the Secretary of Natural Resources requesting guidance on Phase II WIP development. (Attachment A)
- Met with locality GIS staff to determine what impervious cover data localities currently have.
- Developed a FAQ sheet on the Chesapeake Bay TMDL and Watershed Implementation Plans. (Attachment B)

At the HRPDC Retreat in February, HRPDC special legal consultant provided a further briefing to the Commission on the TMDL process and potential alternative methods for achieving the TMDL and WIP. The general consensus of the Commission at that time was that this discussion should be continued at a later meeting possibly at the March Executive Committee Meeting during closed session.

HRPDC staff is working to develop a regional framework for Phase II Watershed Implementation Plans, but is awaiting guidance from the State addressing the key

factors laid out in the letter to the Secretary of Natural Resources. Virginia has developed a framework for Statewide WIP development that was presented to the Chesapeake Bay Program's Principals' Staff Committee (Virginia Secretary of Natural Resources and his counterparts from the other Bay states and EPA) at its February 17, 2011 meeting. (Attachment C) Virginia's framework would utilize PDCs to coordinate development of "Community Conservation Profiles" containing locality scale resource assessment, source identification, baseline assessment, program evaluation, and conservation strategies. The Secretary of Natural Resources has indicated in letters to PDC Executive Directors that staff from his office would like to present Virginia's Plan for Phase II WIP development to the Commissions within the next month. (Attachment D)

Three Hampton Roads elected officials have recently been appointed by the Governor to the Local Government Advisory Committee (LGAC) of the Chesapeake Bay Program. New members are Sheila Noll, York County; Debbie Ritter, Chesapeake; and Rosemary Wilson, Virginia Beach. HRPDC staff met with and provided the representatives with background information on the TMDL and WIP development ahead of the LGAC meeting held on February 17-18, 2011. At that meeting, EPA presented information on the Phase II WIP development process and asked the Committee members for feedback on how EPA can facilitate local involvement in Phase II WIP development. HRPDC staff assisted the representatives in completing the survey which has been submitted to EPA. (Attachment E)

In light of:

1. several ongoing developments related to the Chesapeake Bay TMDL
2. the opportunity for a briefing by the Secretary of Natural Resources or his representative
3. the need for a more extensive discussion with legal counsel

The HRPDC staff recommends that the Commission hold a Special Executive Committee meeting on March 24, 2011. Time is of the essence in addressing these issues.

RECOMMENDED ACTION:

Schedule a special meeting of the HRPDC for March 24, 2011 to address the Chesapeake Bay TMDL and the Virginia process for developing the Phase II WIP. This meeting would include a briefing by the Secretary of Natural Resources or his representative. It is further recommended the HRPDC Executive Committee continue discussion with staff and legal counsel in closed session.

Attachments: HRPDC letter to Secretary of Natural Resources – 17A
HRPDC FAQ Sheet on the Chesapeake Bay TMDL – 17B
Virginia's Presentation on Phase II WIP – 17C
Letter from Secretary of Natural Resources to PDC Directors – 17D
LGAC Survey Responses to EPA -17E

B. PERMIT IMPLICATIONS OF CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

SUBJECT:

The final Chesapeake Bay TMDL included Waste Load Allocations for Phase I MS4 localities in Virginia. The Department of Conservation and Recreation (DCR) is moving forward with issuing new MS4 permits based on the Waste Load Allocations.

BACKGROUND:

Virginia is required to develop a Phase II Watershed Implementation Plan (WIP) that divides target nutrient reductions into a finer geographic scale (counties, sub-watersheds) and identifies specific controls and practices that will be implemented. If DCR issues permits for the Phase I MS4 localities (Hampton, Newport News, Chesapeake, Norfolk, Portsmouth, and Virginia Beach), the flexibility and adaptive approach of Virginia's proposed Phase II WIP process will be impacted.

HRPDC staff had previously consulted with DCR staff and raised concerns that the Waste Load Allocations for Phase I MS4 localities should not be in the TMDL. HRPDC staff also pointed out that the Waste Load Allocations were not in the draft TMDL, so comments on them were not generated during the review process.

Principal Water Resources Engineer Whitney Katchmark will provide an overview of how the Waste Load Allocations in the TMDL might influence future MS4 permits.

This information is provided to inform Commissioners about the impact of the Phase I MS4 Waste Load Allocations on future permits and the development of the Phase II Watershed Implementation Plan. HRPDC legal council will also address this issue at the proposed special meeting on March 24, 2011.

RECOMMENDED ACTION:

For informational purposes in preparation for the proposed special meeting on March 24, 2011.



STAN D. CLARK, CHAIRMAN • THOMAS G. SHEPPERD, JR., VICE CHAIR • JAMES D. McREYNOLDS, TREASURER
DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

February 7, 2011

MEMBER JURISDICTIONS

The Honorable Doug Domenech
Secretary of Natural Resources
Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218

CHESAPEAKE

FRANKLIN

GLOUCESTER

RE: Virginia's Chesapeake Bay TMDL Phase II Watershed Implementation Plan

HAMPTON

Dear Secretary Domenech:

ISLE OF WIGHT

The staff of the Hampton Roads Planning District Commission (HRPDC), on behalf of the HRPDC Regional Stormwater Management Committee, requests that Virginia develop guidance and expectations for local governments regarding development of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan (WIP). While the HRPDC appreciates the considerable time and effort that DCR and partner agencies dedicated to the development of Virginia's Phase I Watershed Implementation Plan for the Chesapeake Bay TMDL, we have concerns with the delay in State coordination with local governments on the development of a Phase II WIP.

JAMES CITY

NEWPORT NEWS

NORFOLK

EPA expects Virginia to develop a Phase II Watershed Implementation Plan that divides load allocations and aggregate wasteload allocations among smaller geographic areas, or facilities or sources where appropriate. This Plan will require a significant amount of time for development and intensive stakeholder involvement and negotiation, and a quick start will benefit all those involved. As MS4 permit holders, the members of the Regional Stormwater Management Committee have a special interest in the Phase II WIP as it will influence the requirements in their future permits.

POQUOSON

PORTSMOUTH

SOUTHAMPTON

SUFFOLK

SURRY

The HRPDC and its local governments are willing partners in the development of the Phase II WIP, but we cannot begin to prepare for the investments needed to implement the requirements of the Chesapeake Bay TMDL without significant guidance and resources from Virginia agencies especially DCR. At a minimum Virginia should provide the following information to local governments:

VIRGINIA BEACH

WILLIAMSBURG

YORK

1. Methodology used by Virginia or EPA to develop segmentshed allocations. Segmentshed load allocations were not included in Virginia's Phase I WIP, but they are included in the TMDL in Appendix Q. Localities need to know how these allocations were determined and if there will be flexibility to modify them as part of the Phase II WIP development.

Attachment 17A

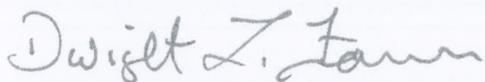
February 7, 2011

Page 2

2. Baseline stormwater management facilities for each locality that were included in the '2009 Progress Load' model run as BMPs.
3. Guidance on how WLAs will be determined for small MS4s given the likelihood that permit boundaries could be expanded beyond the urbanized area as part of EPA's ongoing stormwater rulemaking.
4. Guidance on planning tools that local government can use to determine the impact of potential management actions. Local governments need guidance on the tools that are appropriate to use for evaluating implementation alternatives and compatible with inputting future management scenarios into the Bay Model.
5. Guidance on how Virginia's HUC 6 watershed boundaries will be reconciled with the Chesapeake Bay TMDL segment sheds.

We are aware that the Chesapeake Bay Watershed Model is undergoing revisions that will impact the specific load reductions that will be required to meet the TMDL. However, we urge Virginia to begin the process of developing the Phase II WIP prior to the release of the new loads in June 2011. There is a significant amount of work that can be accomplished even without revised loading targets. As a Regional agency that was actively involved in the development of Virginia's Tributary Strategies, the Hampton Roads Planning District Commission looks forward to working with the State to coordinate local government involvement in the development of Virginia's Phase II WIP.

Sincerely,



Dwight L. Farmer
Executive Director/Secretary

JLT/fh

Copy: Mr. Anthony Moore, Assistant Secretary of Natural Resources
Mr. David Johnson, Director, Department of Conservation and Recreation
Mr. David Paylor, Director, Department of Environmental Quality

CHESAPEAKE BAY TMDL FAQ SHEET

On December 29, 2010, the U.S. Environmental Protection Agency (EPA) established the Chesapeake Bay Total Maximum Daily Load (TMDL), a “pollution diet” to initiate actions to restore water quality in the Chesapeake Bay and the region’s streams, creeks and rivers. This FAQ sheet is the compilation of information adapted from EPA, Virginia Department of Conservation and Recreation, and Chesapeake Bay Foundation websites.



SIGNIFICANT DATES

- 2011**
 - EPA completes TMDL and model revisions
 - States submit Phase II Watershed Implementation Plans (WIPs) detailing actions proposed at a local scale.
- 2017**
 - States submit Phase III WIPs.
 - EPA modifies TMDL allocations
- 2025**
 - States complete implementation actions.

TMDL Background

Q. What is a TMDL?

A. The Clean Water Act (CWA) sets an environmental goal that all waters in the United States be “fishable” and “swimmable.” It requires states to establish appropriate uses for their waters and adopt water quality standards that are protective of those uses. Every two years, states are required to develop a list of waterways that are impaired by pollutants and do not meet water quality standards. For those waterways identified on the 303(d) list of impaired waters, a TMDL must be developed. A TMDL is essentially a “pollution diet” that identifies the maximum amount of a pollutant the waterway can receive and still meet water quality standards.

Q. Why was a TMDL developed for the Chesapeake Bay and its tidal tributaries?

A. Despite extensive restoration efforts during the last 25 years, the Bay TMDL was prompted by insufficient progress and continued poor water quality in the Chesapeake Bay and its tidal tributaries. The TMDL is required under the federal Clean Water Act and responds to consent decrees in Virginia and the District of Columbia from the late 1990s.

Q. How large is the Chesapeake Bay? How big is the watershed that drains into it? How many people live within the watershed?

A. The Bay itself is about 200 miles long, home to more than 3,700 species of plants, fish and other animals. The Bay watershed totals about 64,000 square miles, stretching from Cooperstown, New York, to Hampton Roads. The Bay TMDL and its implementation plan will be enacted throughout the entire Chesapeake Bay watershed.

Q. What is the Chesapeake Bay Program?

A. The Chesapeake Bay Program includes the signers of the original 1983 Chesapeake Bay Agreement –Maryland, Virginia, Pennsylvania, and the District of Columbia; EPA, representing the federal government; and the Chesapeake Bay Commission, representing Bay jurisdiction legislators. It also includes the U.S. Department of Agriculture and the headwater jurisdictions of Delaware, New York and West Virginia. The Program is led by the Chesapeake Executive Council, which includes the EPA Administrator, the governors of Maryland, Pennsylvania and Virginia, the mayor of the District of Columbia, and the chair of the Chesapeake Bay Commission. The Principals’ Staff Committee, which includes the EPA Region 3 Administrator, state secretaries and others, serves as an advisory body to the Executive Council.

Q. How long has the Bay TMDL process been underway?

A. Since 2000, the seven jurisdictions in the Chesapeake Bay watershed (Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia), EPA, and the Chesapeake Bay Commission, have been planning for a Chesapeake Bay TMDL. During the October 2007 meeting of the Chesapeake Bay Program’s Principals’ Staff Committee, the Bay watershed jurisdictions agreed that EPA would establish the multi-state TMDL.

Additional Information:

http://www.dcr.virginia.gov/soil_and_water/baytmdl.shtml
<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/index.html>
<http://www.cbf.org>



Water Quality

Q. What water quality problems affect the Bay?

A. Nitrogen and phosphorus pollution are the most serious problems facing the Bay. Too much nitrogen and phosphorus cause algae blooms that block sunlight to underwater grasses. When the blooms decompose, they create “dead zones,” where dissolved oxygen levels are too low to sustain fish and shellfish. Excess sediment also degrades water quality. Poor water quality results in the loss of habitat for aquatic species throughout the Bay and its tidal and free flowing rivers.

Q. How do activities on the land impact Chesapeake Bay water quality?

A. At its healthiest in the early 1600s, the Chesapeake watershed was mainly comprised of forested buffers, wetlands, and resources lands (open space and farmland) that absorbed and filtered nutrients. As development occurred throughout the watershed, farms, factories, cities, and suburbs have replaced natural wetland filters and forested buffer areas, resulting in the increased flow of nutrients into waterways.

Q. How are the TMDL pollution limits set?

A. EPA utilized a modeling tool called the Bay Watershed Model to determine nitrogen, phosphorus, and sediment load caps for each state and the District of Columbia. These pollution limits are expressed as allocations by “segment-shed” (sub-basins of major rivers) and by the larger river basins. Within each basin, allocations are identified for the following source sectors: wastewater, onsite/septic, agriculture, urban stormwater, and forest.

Q. Will the Bay TMDL have benefits for waterways throughout the watershed?

A. The pollution controls employed to meet the TMDL will have significant benefits for water quality in the streams, creeks and rivers throughout the region, improving waterways that support local economies and livelihoods, provide for fishing, swimming, and boating opportunities, and often serve as sources of drinking water.

Sources of Nitrogen, Phosphorus and Sediment:

- Agricultural operations
- Urban and suburban runoff (runoff from roadways, development, residential and commercial lawn fertilizers)
- Wastewater facilities
- Septic systems
- Air pollution (from vehicle exhaust, power plants)

TMDL Implementation

Q. How will the Bay TMDL be implemented? What is the relationship between the TMDL and the Watershed Implementation Plan (WIP)?

A. The accountability framework includes Watershed Implementation Plans (WIPs) developed by the states, two-year milestones identified in the WIPs, EPA’s tracking and assessment of restoration progress and, as necessary, specific federal actions if jurisdictions do not meet their commitments.

Q. What are the expected consequences if a segment or basin fails or exceeds an assigned loading level, or if two-year milestones are not met?

- A. If state actions fall short, EPA is prepared to impose consequences to assure progress. For example,
- Expand stormwater permit coverage to currently unregulated sources
 - Object to stormwater permits and increase program oversight
 - Require additional reductions of loadings from point sources

Q. When does the TMDL anticipate the Bay will be restored?

A. All pollution control measures will be in place by 2025. While it will take years after 2025 for the Bay to fully heal, EPA expects some areas of the Bay will recover before others and there will be gradual improvement in water quality as controls are put in place around the watershed.

Q. How will the TMDL implementation be funded?

A: Virginia has increased funding to support agricultural management practices. Wastewater and stormwater system upgrades will be funded primarily by ratepayers. Virginia’s Water Quality Improvement Fund may provide loans to some systems. An expanded nutrient trading program may allow sectors to trade credits and reduce nutrient loads more cost effectively.



Virginia Discussion on Phase II Watershed Implementation Plan Approach



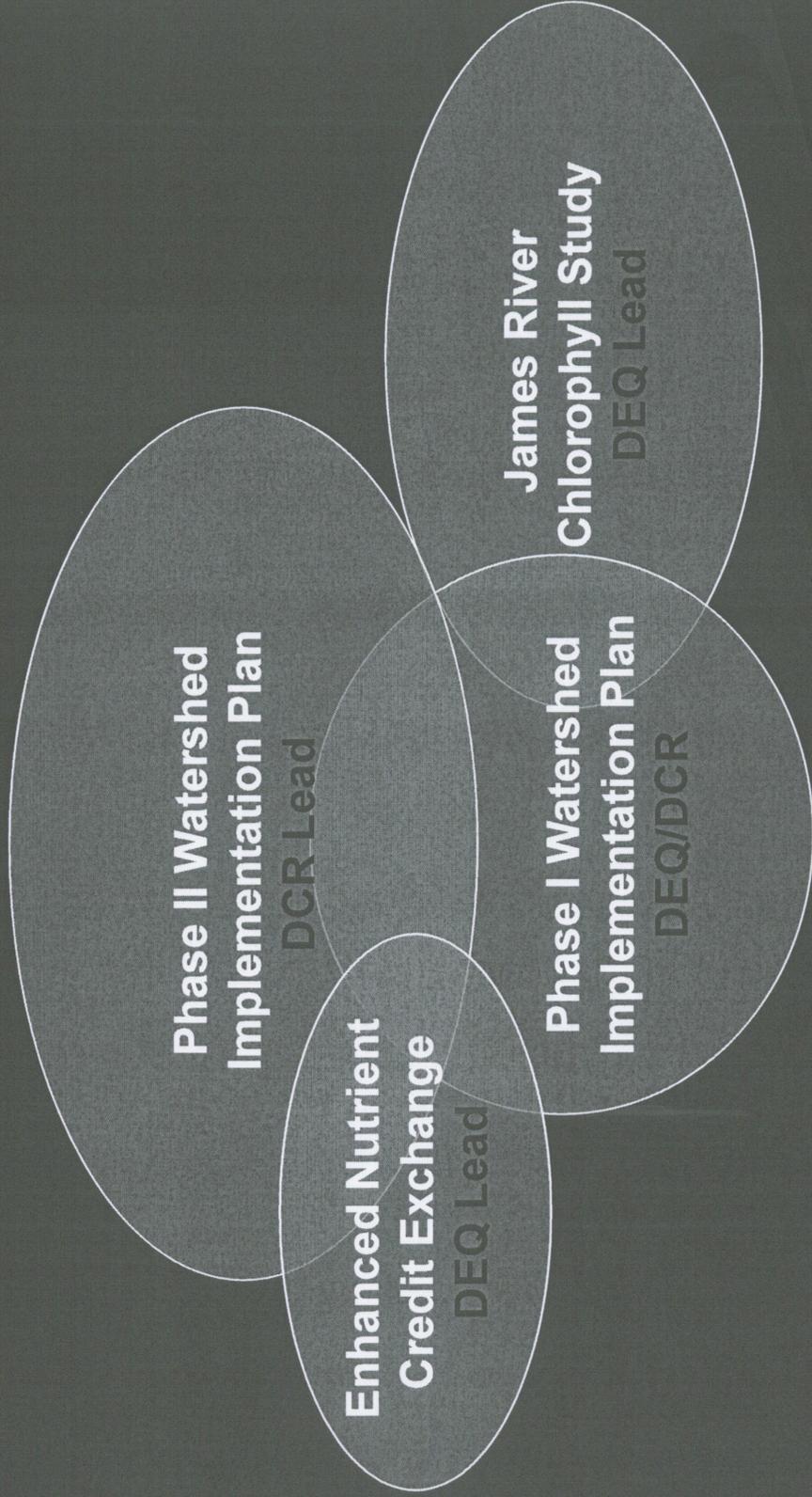
Presented to Chesapeake Bay Program PSC

David Johnson, Director, DCR

David Paylor, Director, DEQ

17 February 2011

Virginia's Chesapeake Bay TMDL Planning Components



Dividing up Virginia's Chesapeake Bay Watershed

- 5 Major Basins
- 16 Planning District Commissions
- 32 Soil and Water Conservation Districts
- 40 Segment sheds
- 96 Localities (Counties and Cities)
- 216 Locality-Segments

Virginia Bay TMDL Segmentsheds

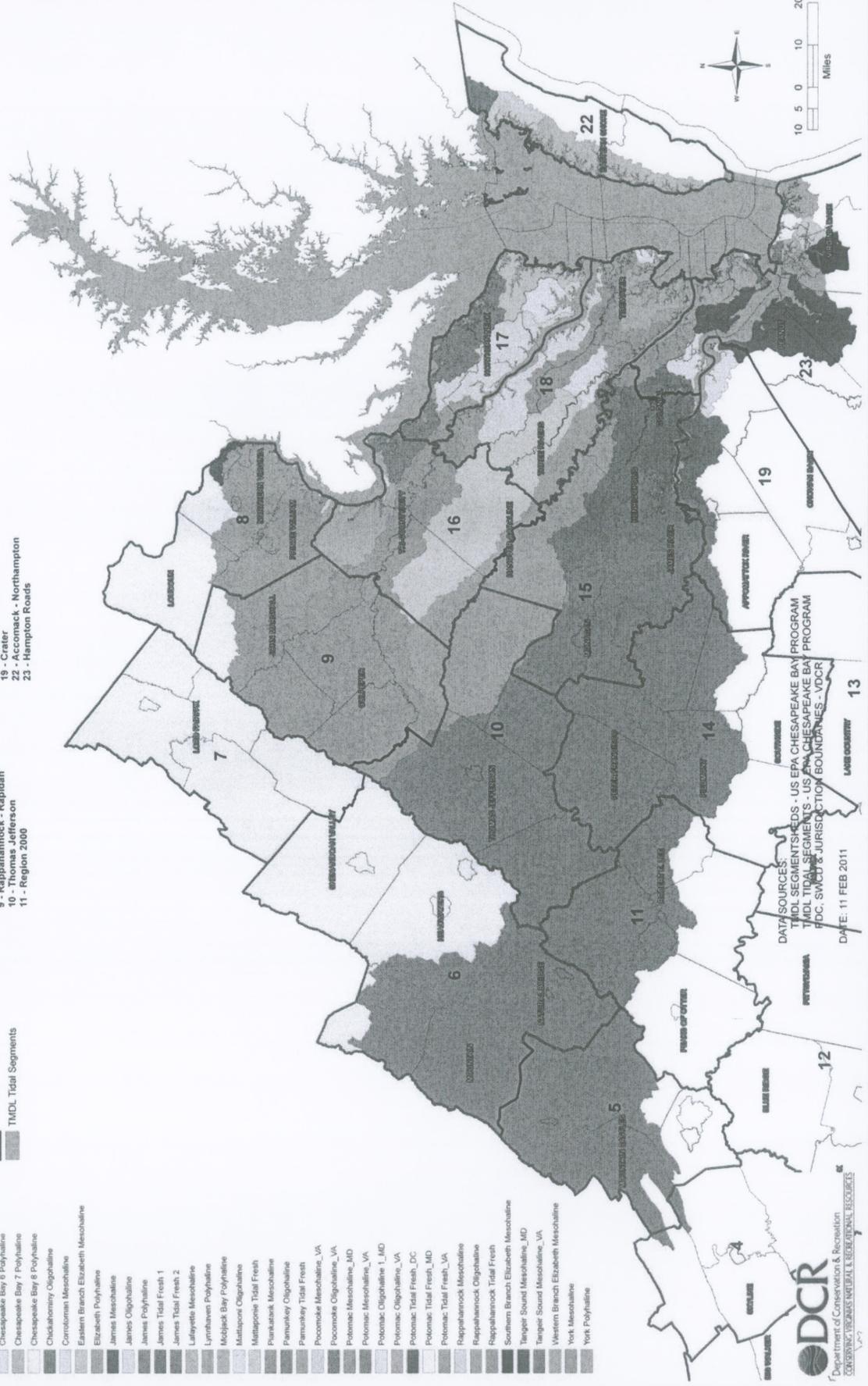
TMDL Segmentsheds

- Appomattox Tidal Fresh
- Chesapeake Bay 5 Mesohaline_VA
- Chesapeake Bay 6 Polyhaline
- Chesapeake Bay 7 Polyhaline
- Chesapeake Bay 8 Polyhaline
- Chickahominy Oligohaline
- Corroinan Mesohaline
- Eastern Branch Elizabeth Mesohaline
- Elizabeth Polyhaline
- James Mesohaline
- James Oligohaline
- James Polyhaline
- James Tidal Fresh 1
- James Tidal Fresh 2
- Lafayette Mesohaline
- Lynnhaven Polyhaline
- Nottback Bay Polyhaline
- Nottback Oligohaline
- Mattaponi Tidal Fresh
- Panankasank Mesohaline
- Panunkey Oligohaline
- Panunkey Tidal Fresh
- Pocomoke Mesohaline_VA
- Pocomoke Oligohaline_VA
- Potomac Mesohaline_MD
- Potomac Mesohaline_VA
- Potomac Oligohaline 1_MD
- Potomac Oligohaline_VA
- Potomac Tidal Fresh_DC
- Potomac Tidal Fresh_MD
- Potomac Tidal Fresh_VA
- Rappahannock Mesohaline
- Rappahannock Oligohaline
- Rappahannock Tidal Fresh
- Southern Branch Elizabeth Mesohaline
- Tanger Sound Mesohaline_MD
- Tanger Sound Mesohaline_VA
- Western Branch Elizabeth Mesohaline
- York Mesohaline
- York Polyhaline

- Jurisdiction Boundaries
- Soil & Water Conservation Districts
- PDC Boundaries
- TMDL Tidal Segmentsheds

Planning District Commissions

- 5 - Roanoke Valley - Alleghany Regional
- 6 - Central Shenandoah
- 7 - Northern Shenandoah Valley
- 8 - Northern Virginia
- 9 - Shenandoah - Rapidan
- 10 - Thomas Jefferson
- 11 - Region 2000
- 14 - Commonwealth
- 15 - Richmond Regional
- 16 - George Washington
- 17 - Northern Neck
- 18 - Middle Peninsula
- 19 - Crater
- 22 - Accomack - Northampton
- 23 - Hampton Roads



DATA SOURCES - US EPA CHESAPEAKE BAY PROGRAM
 TMDL TIDAL SEGMENTSHEDS - US EPA CHESAPEAKE BAY PROGRAM
 PDC, SWDC & JURISDICTION BOUNDARIES - VDCR
 DATE: 11 FEB 2011



Dividing up Virginia's Chesapeake Bay Loads

TMDL

- 40 Segment sheds
- 1275± TMDL Allocations

Local Targets

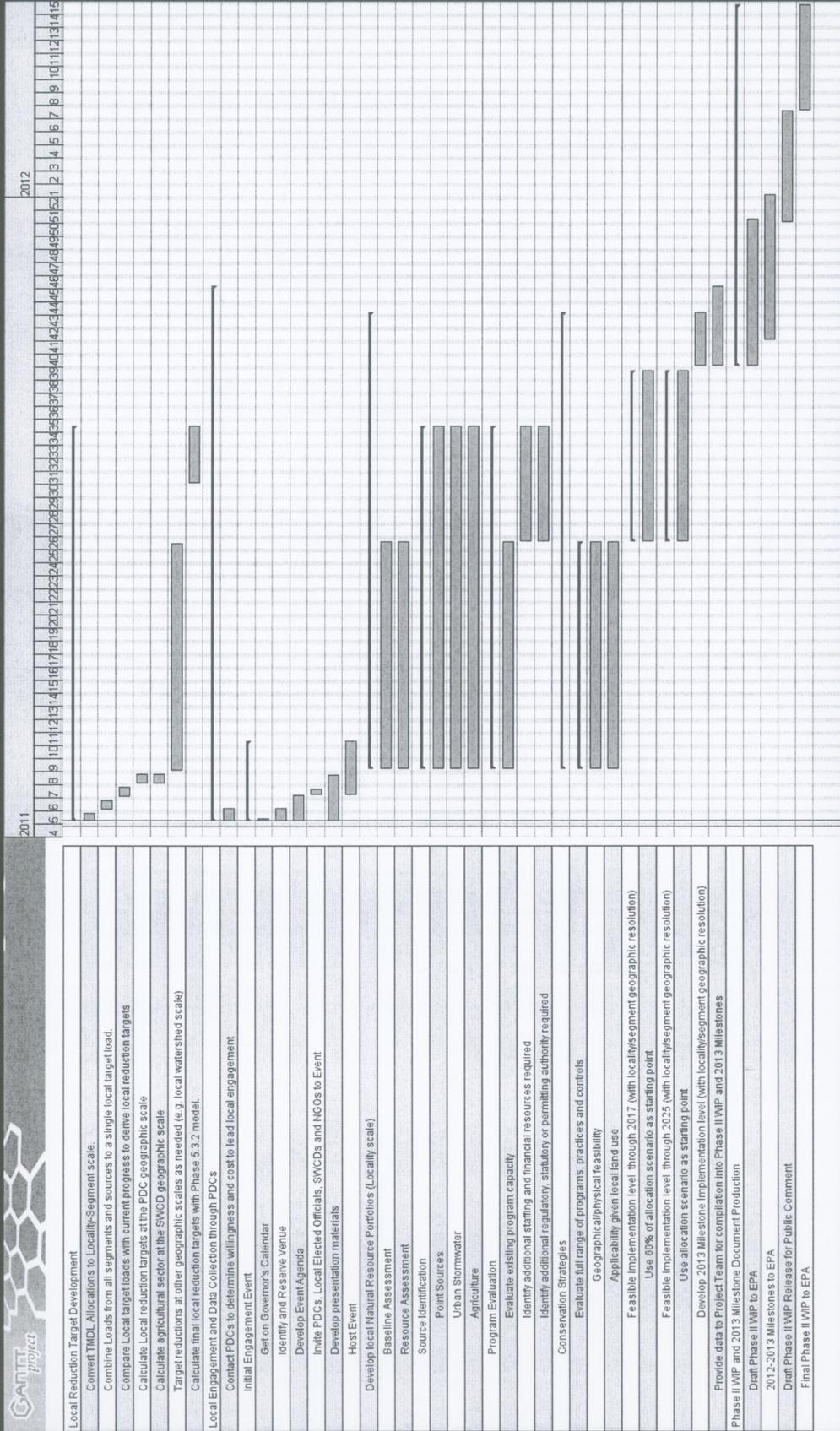
- 96 Localities (Counties and Cities)
- 216 Locality-Segments
- 4890± Locality-Segment Source Targets

Virginia's WIP II Process

- Assigned Project Manager and Department Leads
- Established Inter-Departmental Phase II Team and Steering Committee
 - DCR, DEQ, DOF, VDACS, VDH
- Develop Project Plan
- Create an new Stakeholder Advisory Group
 - Inform planning process
 - Communicate process to constituents
 - Increased participation from local governments

Virginia's WIP II Process

Project Plan

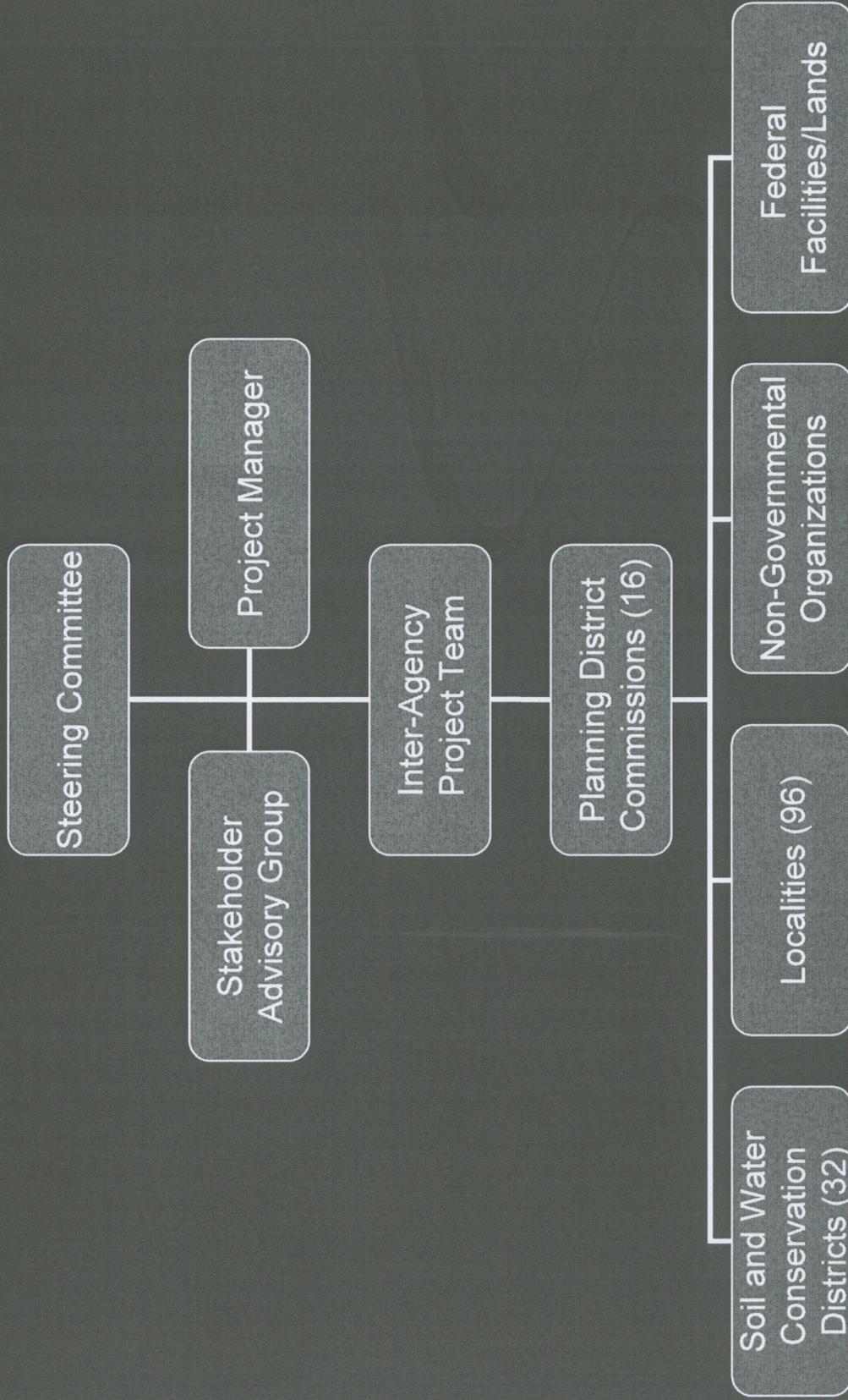


Virginia's WIP II Process

- Develop Locality Targets
 - Initially as percent reduction from current loads
 - Upon completion of model revisions, update targets
- Engage 96 Localities, 32 SWCDs and NGOs
 - Explore the Use of the 16 Planning District Commissions to facilitate local engagement
 - Develop Community Conservation Profile (locality scale)
 - Resource Assessment
 - Source Identification
 - Baseline Assessment
 - Program Evaluation
 - Conservation Strategies
 - 2013 Milestones, 2017 Plan, 2025 Strategy

Virginia's WIP II Process

Project Organization



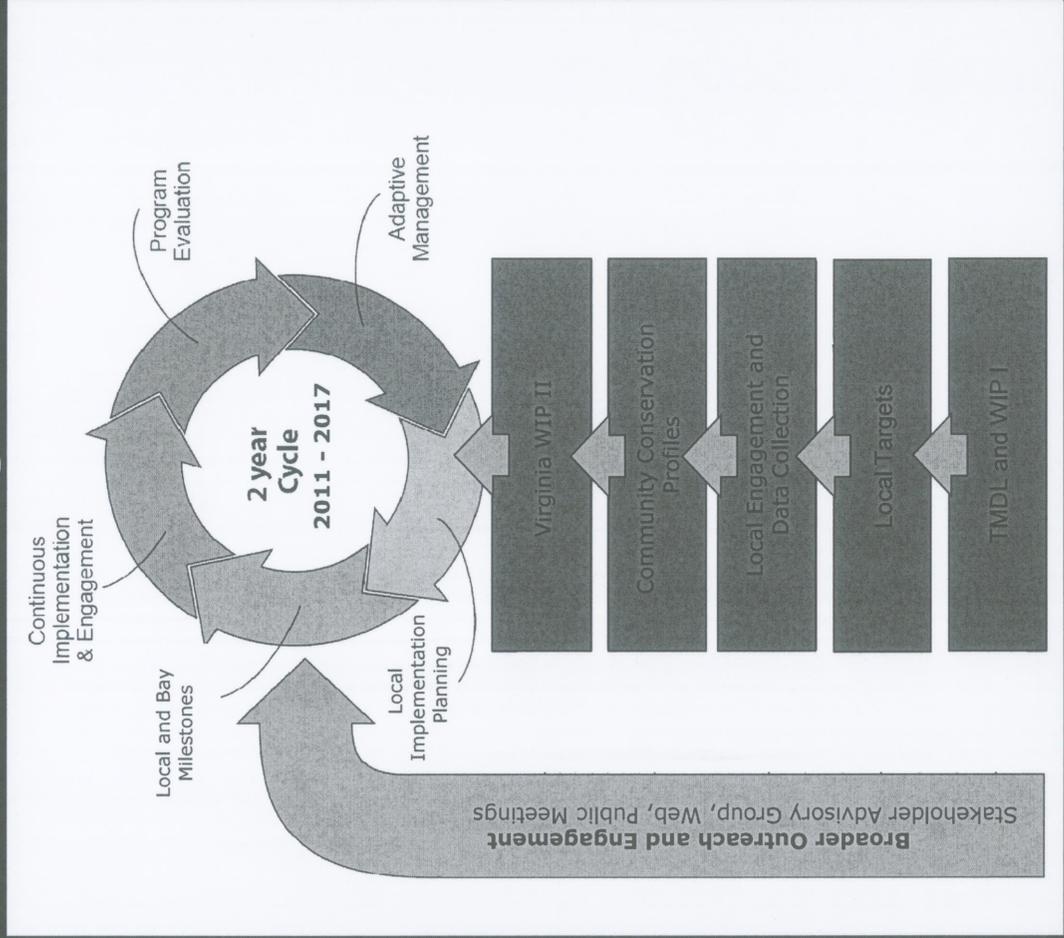
Virginia's WIP II Process

- Elements of Community Conservation Profiles compiled to form Virginia's WIP II and 2013, 2015 & 2017 Milestones
- Milestone implementation progress tracking and future Milestone development to follow a similar process

Localities ↔ PDC ↔ State ↔ EPA

Virginia's Milestones

Development, Tracking, Accountability and Adaptive Management



Virginia's WIP II Issues

- Bay Model resolution & accuracy at the local scale
- Uncertainty around delivery of approved 5.3.2 Model
- Timeline – starts from model delivery?
- Recognition of pollution mitigating actions, local water quality and land use not currently accurately accounted for in the model
- Dealing with federal lands
- Funding for WIP II & 2013 Milestone planning process and implementation
- Need a modeling tool for use by localities to develop scenarios and evaluate trading
- PDC and Locality willingness to participate

James River Chlorophyll Study

- DEQ Lead Agency
- VA WIP proposes evaluation of numeric James River chlorophyll standard
- Workplan developed and Scientific and Stakeholder panels being established
- Budget amendment under consideration by General Assembly
- Timeframe for Study: Now – 2017 (scientific analysis done by 2014)
- Results will inform any 2017 revisions to the WIP and TMDL

Nutrient Credit Exchange Study

- DEQ Lead Agency
- VA WIP proposes expansion of VA Nutrient Credit Exchange
- Stakeholder Committee to be formed soon
- Likely 5 meetings between March 2011 and November 2011
- Report to Governor and General Assembly late fall 2011
- Revisions to Virginia Code introduced in 2012 session of the General Assembly



COMMONWEALTH of VIRGINIA

Office of the Governor

Doug Domenech
Secretary of Natural Resources

March 2, 2011

Dwight Farmer, Executive Director
Hampton Roads Planning District
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Mr. Farmer:

As you may know, the U.S. Environmental Protection Agency (EPA) recently approved Virginia's Watershed Implementation Plan (WIP) for the cleanup of the Chesapeake Bay. Our plan was developed to meet EPA requirements for the reduction and capping of nitrogen, phosphorus, and sediment loads into the Bay and its tidal tributaries. The WIP was accepted by EPA on December 29, 2010, and it was included in EPA's Bay Total Maximum Daily Load (TMDL) with minor modifications. A full copy of the Virginia plan can be found at: <http://www.deq.virginia.gov/tmdl/chesapeakebay.html>. A copy of the TMDL documents released by EPA can be found at <http://www.epa.gov/chesapeakebaytmdl/>.

This WIP, which was developed as part of a broad stakeholder process, gives Virginia the flexibility to implement cost effective practices in each watershed and emphasizes actions in the wastewater, urban/stormwater, agriculture, and on-site sectors with appropriate timeframes to achieve reductions. All levels of government and private interests will need to work together to meet these ambitious goals and to share information and approaches that fairly distribute costs and responsibilities.

The next step in the TMDL is the development of a Phase II WIP which will extend the reduction goals established for large watersheds to more local levels, and further refine plans for state and local action. It will be imperative to work closely with local stakeholders in this process so that they can provide guidance for the local actions that will reduce pollution loads into the Bay and maintain those reductions over time. In order to explain the details of the Phase I WIP and possible approaches for the Phase II WIP, I would like to offer a briefing to your Commission at your earliest convenience. This will be an opportunity to give a detailed overview of the plan to your members and begin the process of charting out our next steps together.

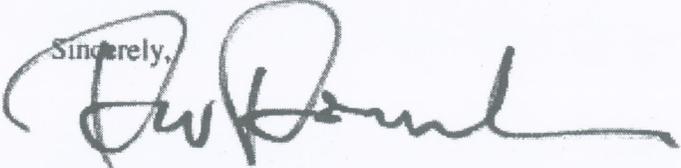
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MAR 03 2011

HRPDC

A Department of Conservation and Recreation staff person will be contacting your Commission within the next week to determine the most convenient method and time to meet and discuss the WIP.

In the meantime, if you have questions regarding this process, please don't hesitate to contact Anthony Moore in my office at 804-786-0044.

Sincerely,

Douglas W. Domenech

cc: Stan D. Clark, Chairman

LGAC Questions for 2/18/2011 LGAC Session

Responses of Virginia Representatives: Sheila Noll, Debbie Ritter, and Rosemary Wilson

Local Government Perspective on Phase II WIPs:

1. Based on the presentation on EPA's expectations to jurisdictions for Phase II WIPs, would the proposed ideas on slides _8_ - _9_ meaningfully facilitate local implementation? No

2. What other suggestions do you have for material to include in the Phase II WIP to facilitate local implementation?

EPA and Virginia should provide the localities with clear information on the methodology for developing the load limits; summarize the input decks for the urban BMPs that were included in the 2009 progress load run that was used to calculate baseline loads; provide localities with an option to utilize local land use data when it is more accurate than the EPA land use estimates; develop a consistent methodology for localities to receive credit for on the ground practices that were omitted from the 2009 progress load model run; provide tools to localities that will enable them to optimize BMP implementation by choosing practices that have the highest benefit to cost ratio.

3. How do you believe that a Phase II WIP could benefit your community?

A Phase II WIP, if developed thoughtfully, should improve local water quality. In order to maximize this benefit, localities must be given the flexibility to implement the most cost effective management actions first. Localities should not be expected to continue to implement practices when the incremental cost exceeds the incremental benefit.

4. What would motivate you to actively participate in the development of the Phase II WIP (e.g. more information on the purpose and components of the WIP and associated deadlines; benefits to local waters; or ensuring local input into the Phase II WIP)?

In order to be motivated to participate in the Phase II process, localities need 1) Funding; 2) more information on the benefits to local waters; 3) more information on how the segment shed load limits were calculated; 4) flexibility to implement the most cost effective practices.

5. What do you believe should be EPA's top priority for supporting the Bay states in engaging local partners in the Phase II WIP development process?

1) Providing funding to local governments to develop local/regional components of the Phase II WIP. 2) Providing understandable model documentation to local governments. 3) Provide credit for existing management practices. 3) Technical assistance to localities to develop cost effective management plans. 4) Develop achievable goals for local plans.

LGAC contribution to Phase II WIP

6. What suggestions do you have for how LGAC could contribute to the Phase II WIP process (both in terms of working with EPA and working with your state)?

LGAC members can assist each other by attending meetings and sharing experiences and best practices. LGAC members can assist EPA by communicating the local government perspective, challenges, and limitations. They can provide EPA with a reality check on the difficulty and cost of implementation.

7. What are key meetings, workshops, or conferences that you believe EPA should attend to help share information about the Phase II WIPs?

EPA should communicate with a broad range of stakeholders through annual meetings and workshops held by organizations such as: Planning District Commissions, Virginia Municipal League (VML), Virginia Association of Counties (VACO), Chamber of Commerce, Virginia School Board Association, Virginia Farm Bureau, Home Builders Association of Virginia, and Virginia Association of Realtors.

EPA has drafted a questionnaire for local government elected officials, managers, planning staff, and conservation districts to help EPA prioritize its support. After we receive input from the states, we will distribute it.

8. Who should receive the questionnaire?

PDCs should receive the questionnaire in Virginia because they have the ability to reach out to local government staff and elected officials and provide a consolidated response to EPA.

9. Are you comfortable using the EPA questionnaire as a mechanism to assess local government needs? If so, how should it be modified to assess these needs?

LGAC members will need to review the questionnaire before answering this question.

10. Would LGAC be willing to co-sponsor such a workshop? If so,

- a. Who should be invited?

Hampton Roads LGAC representatives would be interested in hosting a workshop to facilitate Phase II WIP development in the Hampton Roads Region. The workshop's target audience should be elected officials and locality staff.

- b. What are preliminary ideas for tools to include, other topics, and presenters?

Topics should include local government requirements of the Phase II WIPs and information on how to conduct outreach with the general public on the TMDL and WIPs. Tools for estimating load reductions and optimizing implementation of cost effective practices would also be useful.