

## **Issues and Questions Related to the Chesapeake Bay TMDL and Phase II WIP Development**

### ***Issues***

- 1) Exclusion of properties owned and operated by other entities within the locality boundaries.
  - a. Federal Facilities
  - b. VDOT
  - c. Industrial facilities with permits
  - d. State facilities (parks, universities)
  - e. Mines
- 2) Connection between MS4 permits and Phase II WIP management actions
- 3) Authority and feasibility of placing BMPs on private property
- 4) Identify BMPs with efficiencies that have not been reported by the State in the past and recommend form for reporting and tracking these BMPs in the future.
- 5) Develop/Compile cost estimates for types of BMPs
- 6) Identify BMPs that should be added to the model:
  - a. Retrofits
  - b. Runoff reduction BMPs
  - c. Maintenance upgrades
  - d. Reduction of SSOs
  - e. Updated stream restoration
  - f. Oyster restoration
  - g. Calculating water quality credits for flood control BMPs
- 7) Establish interim BMP efficiencies and tool for planning purposes.
- 8) Coordinate with DCR on Tool development to ensure that all practices are included and can eventually be incorporated into Bay Model simulations.
- 9) Identify obstacles to buffer restoration and potential solutions to overcome these obstacles.
- 10) Need clarification on agricultural BMPs related to stacking.
- 11) Identify obstacles to rainwater harvesting and reuse and identify potential legislative actions.
- 12) Identify/develop tools to estimate redevelopment rates, so localities can factor these reductions into their planning.

Attachment 5B for Hampton Roads Chesapeake Bay TMDL Steering Committee Meeting - August 4, 2011

**Questions:**

- 1) How can local governments estimate the benefit of the recent fertilizer restrictions during their planning processes? Will there be an input for this in the tool that DCR is developing?
- 2) What action is the State taking to establish interim efficiencies for localities to use during the planning process?
- 3) How can localities account for property owners that do not apply any fertilizer to lawns?
- 4) How is a locality supposed to increase areas under erosion and sediment control when that is a factor of the pace of development?
- 5) How are septic pumpouts and biosolids applications being tracked?
- 6) How can localities get credit for tree planting not associated with reforestation or buffer restoration (ie. Street trees or increased canopy on developed lots)?
- 7) How does the TMDL account for air deposition, and is there an opportunity for local/state air emissions reductions programs to have an impact on nutrient reductions locally?
- 8) Is the State or EPA concerned about localities assuming urban nutrient management plans and agricultural practices will be implemented indefinitely even though the agreements are only effective for 1-3 year periods?
- 9) Are the impacts of extreme storms causing major water quality impacts and should we be considering different BMPs to mitigate these extreme storms?
- 10) What are the loading rates for the different land cover classes? Do these rates vary by physiographic region (coastal plain versus piedmont)?
- 11) Localities need guidance on how to document pre 2006 BMPs that have not been included in the model, so that they can be included during the recalibration in 2017. Localities also request that the Tool DCR is creating have the ability to estimate the reductions achieved by these 'missing' BMPs, so that localities can account for that nutrient removal during their planning process.
- 12) Is the State working with EPA to reconcile the differences between Virginia's BMP efficiencies and the Bay Model efficiencies? When will this issue be resolved?
- 13) Virginia's Phase I WIP included a statement that federal properties would be held to a higher implementation level of BMP implementation than non federal properties. Was this included in the model runs for the Phase I WIP? Will it be included in the model runs for the Phase II WIP?
- 14) What additional programs or implementation levels were required for agriculture? What additional funding has been dedicated to achieving nutrient and sediment reductions from agriculture?