



What is the Bay TMDL?

- The Chesapeake Bay Total Maximum Daily Load (TMDL) is designed to ensure that all pollution control measures needed to fully restore the Bay and its tidal rivers are in place by 2025.
 - Focuses on reducing nitrogen, phosphorus and sediment.
 - Required under the U.S. Clean Water Act
- According to EPA, the TMDL was prompted by insufficient progress of restoration efforts and continued poor water quality in the Chesapeake Bay and its tidal tributaries.
- Target loads in the Bay TMDL are similar to those in the Tributary Strategies.
- EPA will assess state progress in meeting pollution goals at interim 2-year milestones through 2025.



What is the Phase II WIP?

- As part of the Bay TMDL each of the six Chesapeake Bay states and the District of Columbia are required to develop a Watershed Implementation Plan (WIP).
- The WIP details how and when the state will meet the nutrient reduction targets given by EPA.
- Virginia sent the initial state plan, the Phase I WIP, to EPA in November 2010.
- The Phase II WIP process focuses more on incorporating local input than the Phase I version.
 - The state will aggregate local data and comments into a state-level plan to be sent to EPA.
 - **Local WIPs will not be developed.**
 - **Local government participation is not required.**



What is DCR asking of localities?

1. Review and revise DCR's current BMP inventory
 - Submit current local BMP data, primary urban BMPs
2. Review and revise BMP implementation scenarios DCR developed for the Phase I WIP to fit local conditions
3. Evaluate the Bay Watershed Model local land use data
 - Submit local land use data
4. Develop strategies for BMP implementation
5. Identify resources, authority and assistance needed for BMP implementation



What is the timeline for WIP Phase II?

- June 2011 – DCR sent draft local goals to localities
- October 2011 – DCR made VAST and new Bay model data available
- December 2011 – Draft Phase II WIP due to EPA
- **February 1, 2012 – Local input and all comments due to DCR**
- March 2012 – Final Phase II WIP due to EPA
- Other key deadlines:
 - 2017 – States must make 60% progress towards meeting nutrient reduction goals; Phase III WIP required
 - 2025 – Deadline for states to meet Bay TMDL nutrient reduction goals



How can we address issues with the Bay model data?

- **Supply local BMP and land use data** to replace the data currently in the Bay model.
- **Add comments** to point out inaccuracies when evaluating the BMP scenarios developed by the state.
- When developing BMP scenarios in VAST, **use work-arounds** to make the tool produce the desired results and add notes to explain your reason for doing so.



What are the potential benefits of participating?

- First step in averting potential federal action by providing EPA with evidence of localities' commitment to Bay restoration
- Gives localities an opportunity to inform the Bay TMDL process
- Gives localities the opportunity to determine how best to meet nutrient reduction goals in their jurisdiction
- Providing local BMP and land use data should result in a more realistic plan and lead to more accurate Bay model output
- Local input can drive future regulations based on the WIP
- The WIP may drive future funding efforts, and localities that participate will likely be in better position to receive this funding



What are the potential negative consequences of participating?

- Bay model is periodically revised, so nutrient reduction goals can be a moving target
 - Should be easier to revise strategies after having gone through the process
- Use of limited local staff time
- Need to respond by a tight deadline



What are the potential consequences of not participating?

- The state will send EPA the existing data and strategies from the Phase I WIP
 - May not accurately represent local conditions
 - Does not take into consideration individual localities' interests
- Future policies, regulations and funding decisions guided by the WIP may be based on inaccurate data and other localities' input, rather than yours'.
- The EPA may determine that there is not sufficient local governments participation in the Bay TMDL process and institute "back-stops" by:
 - Expanding coverage and increasing oversight of NPDES permits
 - Requiring additional reductions from point sources
 - Prohibiting new or expanded discharges
 - Placing conditions on or redirecting EPA grants



Proposed Regional WIP Stakeholder Meeting Goals

- Determine which of the five WIP planning tasks the group would like to pursue.
- Determine the overall process for completing the WIP tasks, including determination of how future meetings should be organized, roles, and a timeline.
- Determine what other stakeholder groups or individuals should be invited to participate in this process.
- Determine what assistance and other resources the region needs from RRRRC, DCR or other organizations for the WIP planning process.
- Begin to compile a list of regional comments and concerns
 - Address those concerns through the WIP planning process where possible, and
 - Send the remaining comments and concerns to DCR to be incorporated into the final WIP Phase II document.