

MEMBER JURISDICTIONS

August 15, 2011

CHESAPEAKE

Ms. Joan Salvati, Division Director
Department of Conservation and Recreation
Division of Stormwater Management
Pocahontas Building
900 E. Main Street, 8th Floor
Richmond, VA 23219

FRANKLIN

GLOUCESTER

Dear Ms. Salvati:

HAMPTON

ISLE OF WIGHT

JAMES CITY

NEWPORT NEWS

NORFOLK

POQUOSON

PORTSMOUTH

The HRPDC is aware that the State has concerns with the data from the 5.3.2 model, and that this has caused a delay in the development of the official ‘tool’ that local governments will be able to use to submit Phase II scenarios to Virginia. However, the Hampton Roads local governments and members of the Regional Phase II WIP Steering Committee have a multitude of issues and questions that need to be addressed in order for local governments to continue developing their Phase II WIP strategies. The answers to most of the questions are not dependent on the model output. Localities are having trouble assessing and correcting the baseline data and estimating the nutrient reductions of proposed actions because the State has not provided information that is critical to make those calculations. Localities are also concerned about how the locality target loads were developed and whether or not they are equitable.

We request a response to the questions and issues, outlined below, prior to our next Steering Committee meeting on September 1, 2011. We also request that you attend the meeting in order to provide the Steering Committee with an update on Virginia’s progress towards Phase II WIP development and to address any concerns of the Committee members.

Critical Information for Developing Phase II Strategies

SOUTHAMPTON

1) What are the loading rates for the different land cover classes? Do these rates vary by physiographic region (coastal plain versus piedmont)? These loading rates are important for localities to have, so they can calculate a reduction from the baseline load for the area treated by a particular BMP.

SUFFOLK

SURRY

2) Localities need urban loads broken down into pervious versus impervious, so that they can better estimate load reductions from BMPs applied to specific land cover classes.

VIRGINIA BEACH

WILLIAMSBURG

3) 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?

YORK

Concerns about Target Loads

- 1) Localities are concerned that the use of '2009 Progress' model run as the baseline for determining urban stormwater load reductions for all localities creates inequity for localities within the Chesapeake Bay Program Act areas that have been implementing stormwater requirements since 2000. Additionally, the information contained in the '2009 progress' scenario is incomplete. HRPDC suggests that DCR use the '2010 no action' model run to determine the necessary percent load reductions for urban stormwater.
- 2) How are the nutrient reduction goals of each locality influenced by the model effectiveness factors for each segmentshed?
- 3) If the State developed the Phase I WIP load goals using a standard treatment percentage for each BMP for each locality, why are the nutrient and sediment load reductions for localities so disparate?
- 4) How can localities account for the nutrient reductions achieved by the Fertilizer restrictions recently passed by the General Assembly?
 - a. Will there be an input for this in the tool that DCR is developing?
 - b. How will this relate to the Nutrient management plan requirement for localities?
 - i. How can localities account for property owners that do not apply any fertilizer to lawns?
- 5) 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?
- 6) What additional programs or implementation levels were required for agriculture? What additional funding has been dedicated to achieving nutrient and sediment reductions from agriculture?

Issues on cataloging and documenting nutrient reductions

- 1) 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.

- 2) Localities have not been receiving credit for some management actions that have Model efficiencies because they have not been reported.
 - a. Please list the BMPs that the State is aware of that have not been reported.
 - b. What is the State’s plan to address this during the Phase II process?
- 3) Additional BMPs and efficiencies need to be added to the Model.
 - a. What priorities has the State submitted to EPA?
 - b. What actions is the State taking to establish interim efficiencies for localities to use during the planning process?
- 4) Erosion and Sediment Control
 - a. How were the acres under e and s control determined?
 - b. The BMP loading sheet has a 2025 target for acres under E and S. Does this number refer to the acres that will be under e and s control in the year 2025, or the number of acres that have been controlled during a longer period preceding 2025? If the latter, what is the starting year?
 - c. 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 can localities estimate the benefit of tree plantings not associated with reforestation or buffer restoration (ie. Street trees or increased canopy on developed lots)?
- 6) How are septic pumpouts and biosolids applications being tracked?
- 7) The BMP crosswalk spreadsheet indicates that street sweeping can be reported in acres swept or pounds of material collected. Which unit was used for the street sweeping in the load reduction spreadsheets delivered to localities?
- 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?

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- 9) 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?
- 10) Are the impacts of extreme storms causing major water quality impacts and should we be considering different BMPs to mitigate these extreme storms?

The HRPDC staff, the region's localities, and members of the Chesapeake Bay TMDL Regional Steering Committee have been working diligently to address the state's expectations of the Phase II WIP effort. At the August 4, 2011 meeting of the Regional Steering Committee, the HRPDC staff sensed a growing frustration on the part of the localities and other stakeholders over the lack of important information and guidance from the state that is critical to moving the process forward. We believe that it is essential that we address these gaps at the September meeting.

We appreciate your participation and assistance in this effort. If you have questions or desire to discuss these concerns further, please call Whitney Katchmark or Jennifer Tribo.

Sincerely,

A handwritten signature in black ink that reads "John M. Carlock". The signature is written in a cursive style with a large initial "J" and "M".

John M. Carlock
Deputy Executive Director

WSK/fh