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October 20, 2011

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

RE: Virginia's Chesapeake Bay TMDL Phase II WIP Development

Dear Secretary Domenech:

The Hampton Roads Planning District Commission (HRPDC) has recently become aware of correspondence between you and Mr. Shawn Garvin, EPA Region 3 Administrator. While we generally agree with the content of these letters, we are concerned about their timing and the impact they will have on localities' involvement in the Phase II WIP development process. We request that Virginia communicate its expectations to local governments regarding their role in the Phase II WIP process and become actively involved in the Regional process being led by the HRPDC and other PDCs throughout the Bay Watershed.

At your request, the HRPDC agreed to coordinate the Hampton Roads localities' involvement in the Phase II WIP development process. Our letter to you on June 21, 2011 outlined our approach. Since that time, the HRPDC has held four Regional meetings to discuss issues related to the Chesapeake Bay TMDL and outline the steps forward for the Region. Our represented local governments have formed local workgroups and have been working to gather local data on land use and BMPs to groundtruth the model input data provided to us in May 2011. They have also been anxiously awaiting their revised local targets that were supposed to be delivered by August 1, 2011. Our local government representatives have been disappointed in the level of participation by Virginia in the Regional process. We are also concerned that EPA and Virginia have not delivered information in a timely manner.

We find it confusing that on the same day that Virginia launched the anticipated Virginia Assessment Scenario Tool (VAST) that contains the revised local targets, the Commonwealth also announced that locality targets would no longer be based on pounds of pollutants as estimated by the Bay Model. While we agree with the Commonwealth that the Chesapeake Bay Watershed Model is "not appropriate for use in assigning loads in permits, developing local load targets, or measuring reduction progress," the PDC and local governments need advice and guidance on how this decision impacts their roles in the Phase II WIP development process.

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The HRPDC and its member localities expect that Virginia's realization that the Chesapeake Bay Model is not appropriate for assigning loads in permits means: 1) the individual waste load allocations for Virginia Phase I MS4s in the final TMDL will be removed when the TMDL is revised in July 2012; and 2) Virginia will refrain from issuing any Phase I MS4 permits until the TMDL has been revised. In order for the Regional process to continue to move forward in a timely fashion, the Hampton Roads Planning District Commission respectfully requests your written response by November 3, 2011.

Thank you for considering our request.

Sincerely,



Stan D. Clark
Chair

JLT/fh

Copies Mr. Anthony Moore
Mr. Dave Johnson
Mr. Reese Peck
Ms. Joan Salvati