



## Virginia Environmental Law

### Virginia's Phase II WIP submitted to EPA, will its local input satisfy the Feds?

By: Ann Neil Cosby. *Friday, April 6th, 2012*

On March 30, 2012, **Virginia** submitted its final Phase II **Chesapeake Bay Watershed** Implementation Plan (WIP) to officials at the **U.S. Environmental Protection Agency (EPA)**. Submission of the Final Plan follows a **draft Phase II WIP** previously submitted on December 15, 2011. In the draft, Virginia Secretary of Natural Resources **Douglas W. Domenech** acknowledged that the results of local engagement efforts and strategies to meet required pollution reductions were not included in the draft plan, but he defended the draft stating that EPA's timeframe for the state to convey, and the localities to produce such was too short.

Not surprisingly, when EPA issued its comments to Virginia's draft Phase II plan and milestones, on February 15, 2012, it stated concerns that the plan "lack[ed] important detail pending local input..." and requested that "Virginia provide some of these local plans prior to the submission of the final Phase II WIP in order to give EPA a sense of the local input."

In the Final Phase II WIP, while Secretary Domenech again faulted the timeframe provided by EPA for localities to finalize and gain approval from governing bodies on potentially expensive strategies and approvals, he stated that 95% of Bay watershed localities actively participated in the Phase II planning process and submitted some level of strategies, information or data in support of the Final Phase II Plan. To collect this information, localities were briefed on how land uses and current best management practices were shown in EPA's watershed model, which is used to develop reduction goals for the TMDL process. They were asked to review the data and offer updates to provide the model with more accurate information. They were also asked to develop local reduction strategies and to provide a list of resources needed. The information collected was then aggregated by the state, and local strategies for agriculture, urban/suburban stormwater, wastewater, forest lands and resource extraction are all included in the Final Plan. Final Plan at Appendix B-F.

Now that the Final Plan is submitted, the public gets its turn to comment on Virginia's efforts. The state is providing an additional 60-day period for public comment. Comments or questions should be sent to **vabaytmdl@dc.virginia.gov**. Written comments and inquires should include the name, address and phone number of the person submitting the comments. Comments must be received by 5 p.m., May 31, 2012.

A copy of the plan as submitted to EPA can be viewed at **[www.dcr.virginia.gov/vabaytmdl/index.shtml](http://www.dcr.virginia.gov/vabaytmdl/index.shtml)**.

Take a look. What do you think? Are the local strategies enough? Too much? How did Virginia do overall?

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