



Virginia Environmental Law

VA WIP Phase I, Done. Phase II, Where to Start?

By: Ann Neil Cosby. *This was posted Tuesday, March 1st, 2011*

Last December, [EPA](#) and the [Commonwealth of Virginia](#) reached agreement on the [state's proposed Watershed Implementation Plan](#) (WIP). In evaluating the WIP, EPA found that the WIP met nutrient and sediment allocations for each basin in the final TMDL. EPA also accepted that Virginia was committed to implementing aggressive WWTP upgrades, a more accountable urban stormwater program, and expanded mandatory agricultural programs if voluntary programs are not successful.

With Phase I now complete, it is time for local governments and stakeholders throughout Virginia to begin working on Phase II. Phase II must identify local area targets where pollution reduction strategies set forth in Phase I will be implemented. While the implementation of Phase II may seem a daunting task, there is help out there for local governments beginning the process. The Piedmont Regional Pilot Project for the Chesapeake Bay TMDL (PRPP) is one of two pilot projects nominated by Virginia and selected by EPA to be one of the seven Phase II pilot projects in the Bay watershed. The purpose of the PRPP was to “develop a commonly accepted commitment to strategies that key stakeholders have bought into, that are innovative, and that accomplish TMDL goals.” PRPP recently released its Final Report recommended a number of strategies for local government engagement during Phase II. Those strategies include the following:

1. Providing dedicated funding for watershed implementation planning.
2. Acknowledging and highlighting the importance of local water quality to encourage buy-in by local governments and affected stakeholders.
3. Providing a mechanism for using local water quality, land use, and other data in the development and implementation of local and regional pollution reduction strategies.
4. Providing accurate and timely information from EPA and the state agencies about the process of developing the Bay TMDL and state WIP.
5. Engaging the proper units of local and regional governance during the development of Phase II WIPs.
6. Providing sufficient opportunities for cross-sector understanding and problem solving.
7. Taking measures to ensure that implementation of the Bay TMDL takes advantage of local efforts to maintain existing healthy streams and restore compromised ecosystems.

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A second component of the PRPP was to attempt to evaluate how load reductions of nutrients and sediment required by existing local TMDLs would compare to anticipated target loads during Phase II planning. This modeling was called difficult to achieve given the state of flux of the Bay watershed models at the time, and because local TMDL models are different from Bay models. A full copy of the PRPP report can be found at [their website](#).

Completion of Phase I was a grueling process to be sure. We've talked about that before [right here on this blog](#). Can we expect anything less for Phase II? Given the ever present conflicts between stakeholder groups, and the recognized cost associated with this meeting TMDL goals, will Phase II turn out to be even more difficult? What do you think and do you have any additional strategies to recommend?

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