



Virginia Environmental Law

Chesapeake Bay Pollution Limits Still Murky

By: Ann Neil Cosby. Thursday, September 1st, 2011

Revised Model Data Raises Concerns with TMDL Standards and WIP Requirements

Earlier this month, the state's [Chesapeake Bay](#) TMDL Stakeholders Advisory Group ("SAG") considered the effect of [EPA's](#) revised model data on Virginia's ability to effectively implement Phase II of the state's Watershed Implementation Plan. While the revised data decreased Virginia's basin-wide reduction target for nitrogen (from 53.42 million pounds per year to 52.46), it increased the target for phosphorus from 5.36 million pounds per year to 6.46 million. These changes come as the [state](#) and local governments, along with stakeholders, are trying to identify strategies to meet these goal reductions. A hard enough undertaking without a moving target.

The revised model data also updated land use to include more complete urban coverage and revised rates for nutrient management versus non-nutrient management applications of fertilizer. These changes raised questions and more than a few concerns as to how the revised model data was developed, but state officials indicated that they were unable to get a clear explanation from EPA as to how the methodology was derived.

It appears that unless and until EPA can substantiate the accuracy and reliability of its revised model data, the ongoing WIP process will be stymied by continued concerns that the data is flawed. To successfully address the infrastructure challenges ([see our post here](#)) and costs ([see our post here](#)), localities will need to take aim at a single and discrete set of goals. With these goals ever-changing, and ever-questioned, efforts to develop Phase II, and then Phase III of the WIP will likely be even more difficult.

This SAG plans a follow up meeting this October. Around that time, we will be holding a set of webinars with [Joyce Engineering](#), for clients, local governments, professions and other stakeholders to talk about the development and implementation of the TDML. We'll make sure that we include a recap of the latest discussions and include possible solutions for some of the issues raised by the new TMDL requirements. Watch our blog, website and your email for a notice of the sessions, registration will be free...

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