



## Virginia Environmental Law

# Virginia's present to EPA this year? A Draft Phase II Watershed Implementation Plan

By: *Ann Neil Cosby. Wednesday, December 21st, 2011*

It may not have the same bling as five golden rings, but to EPA, Virginia's draft Phase II Watershed Implementation Plan ("WIP") should be just what it wanted. In accordance with EPA's designated schedule, Virginia presented the agency with its Draft Plan on December 15, 2011. You can access a copy of the **Draft Plan here**.

While the Draft Plan does not include the specific local strategies needed to meet the Bay **TMDL** requirements, it does describe the process Virginia is using to implement the Phase II planning process. In his cover letter to the Regional Administrator of EPA Region 3, Virginia Secretary of Natural Resources **Doug Domenech** explained that the Draft Plan does not contain results of the state's "local engagement efforts" because "the time frame provided by EPA to convey the model information related to the revised EPA planning targets to the localities was far too short for the Planning District Commissions ("PDCs") and localities to develop strategies and gain endorsements from stakeholders and elected officials." Secretary Domenech indicated that local strategies are expected to be received by the state by February 1, 2012. Virginia is required to submit its final Phase II WIP to EPA by March 30, 2012.

On October 5, 2011, EPA advised that it expected draft Phase II WIP submissions to contain:

- An explanation of how jurisdictions are working with local partners;
- Evidence that critical local partners are aware of their role in meeting the TMDL allocations and the Phase I WIP commitments;
- As appropriate, identification of targets or actions that local and federal partners would take to fulfill their role. These targets could be expressed as programmatic actions (e.g., adopting ordinances) rather than model inputs or outputs (e.g., pounds reduced, pounds per acre);
- Any changes or updates to Phase I WIP strategies based on work with local partners;

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- One input deck for processing through Phase 5.3.2 that meets the Phase II WIP planning targets for the major basins in each jurisdiction. This deck could be based largely on Phase I WIP input decks plus any requested changes to wasteload and load allocations.

Did Virginia give EPA what it wanted? We will have to wait and see if it a **Thank You note** is forthcoming.

To those of you who have read my blog in 2011, I do say “Thank You.” I hope you have found it informative and have been able to utilize the links provided, and appreciated the commentary. I look forward to continuing to discuss and comment on issues (and to read your comments right here!) in the forefront of Environmental Law in Virginia, in 2012. Happy Holidays!

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