

Chesapeake Bay Phase II TMDL

Email from Shawn Garvin, Regional Administrator

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From: Shawn Garvin

Sent: 01/18/2011 04:30 PM EST

Subject: Chesapeake Bay Phase II TMDL

Please accept my sincere thanks for the tremendous effort that you and your staff put forth leading up to the publication of the final Bay TMDL on December 29th. The past year has been a busy one, but well worth the effort, as the TMDL is based largely, with the exception of few targeted backstop actions, on the allocations and actions included in each of the jurisdiction's Watershed Implementation Plans. The finalization of the Bay TMDL is truly a historic point in the long history of Bay restoration efforts, and I am confident that we now have a clear path toward a fully restored Bay and tidal rivers.

You have heard me say before - this is not the end, but just the beginning of our renewed efforts. We must muster the strength and fortitude to stay on track to meet our 2025, 2017 and two-year milestone commitments. The next steps in demonstrating to the citizens of the region that we honor our commitments are development of the Phase II Watershed Implementation Plans and the next set of two-year milestone commitments.

As you well know, the current schedule anticipates that each jurisdiction submit a draft Phase II plan to EPA by June 1 and a final plan by November 1, 2011. Phase II plans are a critical component of each jurisdiction's ability to show reasonable assurance that proposed implementation actions can be fully achieved. As you also know, I stated at the last meeting of the Principals' Staff Committee, that EPA would entertain possible modifications to the Phase II schedule if development of the final TMDL remained on track, including submission of significantly strengthened final Phase I implementation plans from all jurisdictions.

You and your neighboring jurisdiction partners did your part. The final implementation plans EPA received were indeed significantly stronger than the drafts submitted in September, so I am writing you today to begin a discussion of possible options for adjusting the Phase II schedule.

I will emphasize, however, that my intention is not to amend the schedule any more than necessary to ensure that: 1) sufficient, accurate and timely information is provided by EPA to the states and District to enable them to modify TMDL allocations based on the two previously agreed upon model revisions, 2) that all states and the District have sufficient time to engage in meaningful dialogue and gather input from local-level affected stakeholders, and 3) that EPA has ample time to review the state and District Phase II plans and work with these jurisdictions to ensure that the final plans meet EPA's expectations for reasonable assurance.

Today, January 18, members from all of the jurisdictions gathered for a meeting of the Bay Program's Management Board. A portion of the agenda for the meeting was devoted to gathering feedback with regards to the Phase II development schedule. To set some bounds, the following proposed framework was offered for discussion. This is not final and is intended to foster feedback and discussion at today's Management Board Meeting and the Principals Staff Committee (PSC) Meeting in mid- February.

Our expectation is that the states will begin the process of engaging local governments/ organizations as soon as possible in early 2011 based upon the final TMDL and Phase I WIPs. By late Spring 2011, EPA plans to complete the two agreed-upon refinements to the Watershed Model for urban land use and nutrient management, and provides to the jurisdictions any refined Basin-State allocation targets for nitrogen, phosphorus and sediment. Based on these allocations, EPA expects that by late Fall 2011 the states and the District will complete draft Phase II WIPs which include local area targets and local jurisdictions' strategies and plans for meeting targets. This would occur prior to the completion of the first set of post-TMDL 2-year milestones which are due no later than January 3, 2012. EPA also expects the Final Phase II WIPs to be completed as early as possible in 2012, with any possible modifications to the Bay TMDL to be completed later in 2012. We plan to have a more in-depth discussion on the 2012 dates at the PSC Meeting in mid-February.

I encourage you to gather feedback from your representative at today's meeting on the Phase II development schedule.

If you have any immediate comments or questions, please do not hesitate to contact me.

Thank you for your ongoing commitment to the Bay restoration partnership.

Shawn Garvin