

**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: Phase II Watershed Implementation Plan (EPA Mandated)

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: January 17, 2012

STAFF CONTACT: Alan Brewer, Department of Construction and Waste Management
Randy Williford, Department of General Services
Lewis Rauch, Department of Construction and Waste Management
Richard Pezzullo, Department of General Services

RECOMMENDATIONS:

Staff: Staff recommends that the County send a letter to the Department of Conservation and Recreation that generally describes 1) County's existing initiatives that address the required Chesapeake Bay Total Maximum Daily Load (TMDL) 2) the challenges that prevent the County from committing to many of the Phase I Watershed Implementation Plan requirements, and 3) the County's intent to evaluate local scenarios and strategies through a public stakeholder process.

BACKGROUND:

The Chesapeake Bay Total Maximum Daily Load is a "pollution diet" established in December 2010 by the Environmental Protection Agency (EPA) that is intended to limit the amount of phosphorous, nitrogen, and sediment entering the Bay from its watershed. The EPA indicates that the TMDL is required under the Federal Clean Water Act and responds to consent decrees in Virginia and the District of Columbia from the late 1990's. Each state with waters draining to the Bay is required to submit a Watershed Implementation Plan (WIP) which proposes how these pollution reduction goals will be met. The Virginia Phase I WIP, submitted in November 2010, identified general strategies in each of several sectors (agriculture, urban, stormwater, wastewater, and septic systems) for reducing pollution to the prescribed levels. In the second Phase of the WIP, the EPA expects the state jurisdictions to provide more specific information that facilitates actions by local partners to control nitrogen, phosphorus and sediment to achieve the pollution reduction goals as well as milestones that will be used to gauge progress and guide plan changes.

Initially, the Virginia Department of Conservation and Recreation (DCR) provided Loudoun County with preliminary data regarding pollution reduction targets for developing the Phase II WIP. DCR also provided information about certain Loudoun County land uses and existing pollution control measures that were used in determining current estimated pollution loads.

In a letter dated June 13, 2011, (See Attachment #1) DCR requested the following information from Loudoun County:

1. “Current Best Management Practice (BMP)¹ inventory – this information will be used to update implementation progress data in the Bay model.”
2. “Evaluate the land use/ land cover information included in the EPA Model and provide more accurate land cover information you may have – this will be of tremendous assistance in ensuring that the Bay Model revisions made in the future will more accurately reflect land use information in your locality.”
3. “Review the 2017 and 2025 BMP scenarios provided and develop preferred local scenarios that meet the reduction goals – identified local BMP scenarios will be aggregated and incorporated into the Phase II WIP.”
4. “Develop strategies to implement the preferred BMP scenarios – strategies will be aggregated and used in the development of Virginia’s Phase II WIP.”
5. “Identify any resource needs to implement the strategies and BMP scenarios – this information will be used in drafting Virginia’s Phase II WIP and developing cost estimates for the implementation of the WIP.”

At the September 7, 2011 Board of Supervisors meeting, the Board directed staff to provide DCR with Loudoun County’s existing BMP inventory and land use / land cover information only. The Board, at that time, chose not to develop strategies and identify associated resource needs. Staff provided the BMP inventory and land use/land cover information to DCR on September 29, 2011.

ISSUES:

In a letter dated October 5, 2011 (Attachment #2) from the EPA to the Virginia Secretary of Natural Resources, the EPA indicated that they do not expect Virginia to express the local area targets in terms of Chesapeake Bay model inputs or outputs, such as pounds of pollutant reductions by County. Instead, Virginia could identify actions that localities would take to fulfill their contribution toward meeting the Chesapeake Bay TMDL allocations.

However, in a letter dated November 9, 2011 (Attachment #3), DCR has again requested that Loudoun County provide local BMP scenarios, strategies to implement the BMP scenarios, and resource needs to implement the strategies and BMP scenarios. Importantly, DCR also stated that without local scenarios, the Phase I WIP scenarios would be used as local scenarios. This could be problematic for the County because some of the Phase I WIP scenarios are not financially viable, are outside of the County’s authority, or are inconsistent with existing land use policies and goals. For example, one Phase I WIP scenario for Loudoun County is to replace 3,281 conventional septic systems with de-nitrification systems. De-nitrification systems provide additional treatment to the wastewater to reduce the amount of total nitrogen that is discharged into the soil. Loudoun County does not have the authority to require owners to

¹ A best management practice (BMP) is defined by the U.S. EPA as “a method that has been determined to be the most effective, practical means of preventing or reducing pollution from nonpoint sources.”

replace conventional septic systems with de-nitrification systems.

Another Phase I WIP scenario for Loudoun County is to replace 2,596 acres of alfalfa, hay, and pasture with tree plantings. Again, Loudoun County does not have the authority to require owners to plant trees in place of farming activities. In addition, this action would be inconsistent with the County's long history of promoting active farming in the rural areas.

DCR provided a Draft Phase II WIP to the EPA on December 15, 2011. The draft document describes the process Virginia will use for Phase II WIP planning and did not contain information on local scenarios and strategies to meet local reduction goals. However, in their November 9, 2011 letter, DCR requests that localities submit local scenarios and strategies by February 1, 2012. DCR is required to submit its final Phase II WIP to EPA by March 30, 2012.

There is acknowledgement that this is a mandated program which requires compliance; however, it is not realistic to bring forth scenarios where there is no local authority for administration or enforcement. Also, staff continues to be very concerned about the impact of providing numeric scenarios and strategies to DCR without significant stakeholder engagement. Staff is in the process of developing a work plan to engage stakeholders and provide community outreach concerning the Phase II WIP. The proposed approach will be to seek the most reasonable and cost effective strategies as possible.

Staff is concerned that State scenarios have not been provided to localities. State scenarios could have a significant impact on local pollutant reduction goals. And lastly, staff is concerned about the use of the EPA's Chesapeake Bay model output as a basis for determining local pollutant reduction goals. The EPA acknowledged in their October 5, 2011 letter that there are areas in the Chesapeake Bay watershed where there are limitations to the application of the Chesapeake Bay model, including at a finer scale such as the County level.

Based on the information described above, Staff recommends that the County send a letter to the Department of Conservation and Recreation (Attachment #4) that generally describes 1) the County's existing initiatives that address the Chesapeake Bay Total Maximum Daily Load 2) the challenges that prevent the County from committing to many of the Phase I Watershed Implementation Plan requirements, and 3) the County's intent to evaluate local scenarios and strategies through a public stakeholder process.

FISCAL IMPACT:

Staff believes that the work to develop the scenarios and stakeholder engagement can be done with existing resources. There may be a need to seek contractual services to assist with the fiscal impact of various scenarios.

The overall fiscal impact of the Phase II WIP on Loudoun County is unknown at this time.

ALTERNATIVES:

1. Send the Department of Conservation and Recreation a letter that generally describes 1) the County's existing initiatives that address the required Chesapeake Bay Total Maximum Daily Load 2) the challenges that prevent the County from committing to many of the Phase I Watershed Implementation Plan requirements, and 3) the County's intent to evaluate local scenarios and strategies through a public stakeholder process.

-OR-

2. Direct staff to not provide any additional information to DCR at this time.

DRAFT MOTIONS:

1. I move that the Board of Supervisors send the Department of Conservation and Recreation a letter that generally describes 1) the County's existing initiatives that address the required Chesapeake Bay Total Maximum Daily Load 2) the challenges that prevent the County from committing to many of the Phase I Watershed Implementation Plan requirements, and 3) the County's intent to evaluate local scenarios and strategies through a public stakeholder process.

-OR-

2. I move that the Board of Supervisors direct staff to not provide any additional information to DCR at this time.

-OR-

3. I move an alternative motion.

ATTACHMENTS:

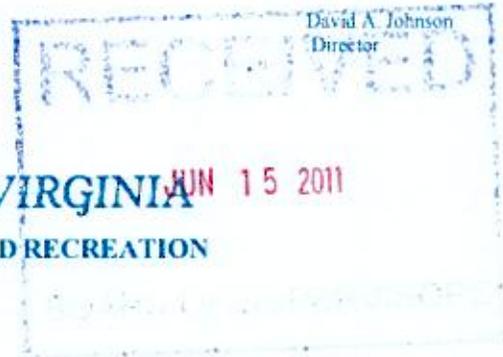
1. June 13, 2011 Letter from DCR to Loudoun County
2. October 5, 2011 Letter from EPA to Virginia Secretary of Natural Resources
3. November 9, 2011 Letter from DCR to Loudoun County
4. Draft Letter from Chairman York to DCR in response to Phase II WIP

Douglas W. Domenech
Secretary of Natural Resources



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712



June 13, 2011

The Honorable Scott K. York
Chairman, Board of Supervisors
Loudoun County
Post Office Box 7000
Leesburg, Virginia 20177-7000

Mr. Timothy Hemstreet
County Administrator
Loudoun County
Post Office Box 7000
Leesburg, Virginia 20177-7000

Dear Chairman York and Mr. Hemstreet:

As you may know, the U.S. Environmental Protection Agency (EPA) recently approved Virginia's Watershed Implementation Plan (WIP) for the cleanup of the Chesapeake Bay. Our plan was developed to meet EPA requirements for the reduction and capping of nitrogen, phosphorus, and sediment loads into the Bay and its tidal tributaries. The WIP was accepted by EPA on December 29, 2010, and it was included in EPA's Bay Total Maximum Daily Load (TMDL) with minor modifications. A full copy of the Virginia plan can be found at: <http://www.deq.virginia.gov/tmdl/chesapeakebay.html>. A copy of the TMDL documents released by EPA can be found at <http://www.epa.gov/chesapeakebaytmdl/>.

The next step in this 15 year TMDL process is the development of a Phase II WIP which will extend the reduction goals established for large watersheds to the local government level (96 Bay watershed cities and counties), and provide strategies for state and local action. We hope to work closely with local governments, Planning District Commissions (PDC) and Soil and Water Conservation Districts in this process so that together, we can identify pollution reduction strategies that can be maintained over time. The approach the State is using is one that facilitates the development of a plan that contains strategies that are both cost effective and locally appropriate.

To achieve the above objectives, DCR staff have recently provided your staff with the Chesapeake Bay Model information for your locality and offered our assistance in interpreting this

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information. We are asking your staff, assisted by the PDC or independently, to review this information, compare it with local data on those best management practices (BMPs) that currently exist and to identify BMP implementation scenarios and local strategies to reduce pollutant loads. The specific information we hope your staff can provide includes the following:

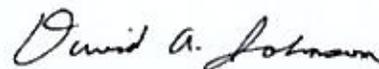
- Current BMP inventory – this information will be used to update implementation progress data in the Bay model.
- Evaluate the land use / land cover information included in the EPA Model and provide more accurate land cover information you may have – this will be of tremendous assistance in ensuring that Bay Model revisions made in the future will more accurately reflect land use information in your locality.
- Review the 2017 and 2025 BMP scenarios provided and develop preferred local scenarios that meet the reduction goals – identified local BMP scenarios will be aggregated and incorporated into the Phase II WIP.
- Develop strategies to implement the preferred BMP scenarios – strategies will be aggregated and used in development of Virginia's Phase II WIP.
- Identify any resource needs to implement the strategies and BMP scenarios – this information will be used in drafting Virginia's Phase II WIP and developing of cost estimates for the implementation of the WIP.

Localities are strongly encouraged to provide input by October 1, 2011, for inclusion in Virginia's draft Phase II WIP. Recognizing the short timeframe, however, there will be additional opportunity to provided input through February 1, 2012, for inclusion in the final Phase II WIP.

This approach is intended to allow flexibility for localities to use local information and existing program capacity to inform the development of Virginia's Phase II Watershed Implementation Plan. We will continue to work closely with the localities to assist and facilitate the process. We hope that you will seize this opportunity to fully engage and participate in this process, so that we may work together to achieve our common goals of improving the quality of local streams and the Chesapeake Bay.

If you have questions regarding this process, please do not hesitate to contact Christine Watlington, Policy and Planning Analyst, at (804) 786-5678.

Sincerely,



David A. Johnson

c: Mr. G. Mark Gibb, Executive Director, Northern Virginia Regional Commission



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029

OCT 05 2011

The Honorable Doug Domenech
 Secretary of Natural Resources
 1111 East Broad Street
 Richmond, Virginia 23219

Dear Secretary Domenech:

Thank you for participating in the September 16 Bay State Secretaries discussion regarding Phase 5.3.2 of the Chesapeake Bay Program Watershed Model and its use as a tool for Phase II Watershed Implementation Plan (WIP) development. Our conversations and exchange of information in recent weeks have allowed EPA to better understand where our collective approach is working and where we need to adapt in order to achieve our common goal of restoring the region's waterways. As described in my letter to you dated August 1, 2011, EPA developed the Phase II WIP planning targets to represent the actions, assumptions and "level of effort" necessary to meet the final allocations established in the 2010 Chesapeake Bay total maximum daily load (TMDL). EPA agrees with your desire to ensure that work to refine model assumptions and data inputs does not distract us from the key implementation priorities at hand.

The purpose of this letter is to provide EPA's proposed path forward based on the proposal that you shared on September 16 and in follow-up exchanges. Most notably, in the Phase II WIPs, EPA does not expect the jurisdictions to express the "local area targets" in terms of Phase 5.3.2 Watershed Model inputs or outputs, such as pounds of pollutant reductions by county. Instead, Phase II WIPs could identify "targets" or actions that local and federal partners would take to fulfill their contribution toward meeting the Chesapeake Bay TMDL allocations. These targets could be expressed as programmatic actions, such as adopting ordinances. This letter also includes actions that we can take as a Partnership to address the modeling and data input concerns that you raised on September 16. I believe that this path forward will allow you to continue progress and improve confidence in your Phase II WIP and milestone commitments.

EPA also recognizes that it is the nature of environmental modeling for confidence in outputs to increase as scales become larger. With this in mind, EPA provided Phase II WIP planning targets for nitrogen, phosphorus and sediment for the major basins in each jurisdiction. The jurisdictions have considerable discretion to distribute those planning targets among the source sectors. As the jurisdictions have pointed out, there are areas in the watershed where there are limitations to the application of the Chesapeake Bay Program Watershed Model at a finer scale. EPA is, therefore, clarifying its March 2011 Phase II WIP guide to allow jurisdictions the option of submitting input decks for their Phase II WIPs that focus on meeting the major river basin planning targets in each jurisdiction rather than loading targets in each county or sub-watershed. However,



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EPA continues to request the jurisdictions submit Phase II WIP narratives that clearly articulate that local partners (e.g., local governments, conservation districts, planning commissions, utilities, and watershed groups) understand their roles and responsibilities for implementing their share of the WIP strategies.

EPA is maintaining the Phase II WIP schedule provided in previous communications, but we believe that placing less emphasis on model inputs and outputs to express local area targets should make it easier to achieve these deadlines. EPA expects that the draft Phase II WIP submissions on December 15, 2011 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 (eg, 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;
- 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.

EPA recognizes that WIP implementation will be an adaptive process that continues to change both in the final Phase II WIP submitted on March 30, 2012 and in future two-year milestones.

We must continue to work together as a Partnership to refine the modeling tools that support our decisions. EPA agrees that nutrient management is an important strategy for reducing pollutant loads to our waterways. Current model outputs demonstrate that nutrient management reduces total loads from agriculture. We are committed to continue to work with the Partnership to ensure that the more regional and local simulations of nutrient management and other model components are better informed by the latest data and scientific understanding. Based on your input, I have worked with staff to identify specific and concurrent next steps to address the following issues raised by you and your colleagues:

- Calculation of nutrient rates on acres not under nutrient management;
- Calculation of load reductions associated with the application of nutrient management plans, including the effect of manure routing sequences;
- Refinement of methods for developing and applying regional factors during model calibration;
- Development of the ability to apply multiple BMPs on urban lands and lands under continuous no-till;
- Refinement of the ability to consider submitted BMPs versus credited BMPs; and
- Refinement of the calculation regarding the amount and nutrient content of poultry manure.

My staff will be sending additional materials to the jurisdictions in the coming days that outline the specific immediate, near, medium and long term steps that we can take to address these issues.

We have committed resources to support and expedite the Chesapeake Bay Program Partnership's expert panels in their review of the latest science supporting BMP definitions and efficiencies that have already been approved by the Partnership. These panel reviews will maintain the integrity of a collaborative review and continue to follow the priorities established by the



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Partnership's source sector workgroups. They will provide recommendations for interim placeholder BMPs that can be used in the Phase II WIPs in the near term, as well as approved BMP values that can be used for reporting progress in advance of 2017. Finally, I expect that these expert panels will yield valuable recommendations for the midterm evaluation that will be completed in advance of the Phase III WIPs. While these panels are underway, I strongly encourage your submission of interim placeholder BMPs that can be reviewed by the Chesapeake Bay Program *immediately* for use in your draft Phase II WIPs.

We also recognize that, even with less emphasis on model inputs and outputs in Phase II, it is important for partners to understand and be able to access the Chesapeake Bay Program modeling tools. In response to this need, we have recently completed a series of Scenario Builder Workshops in all seven jurisdictions and are now focused on scheduling training for user-friendly, web-based tools such as the Chesapeake Assessment and Scenario Tool (CAST) to help your staff and local partners have the capability to assess alternative approaches to meeting your Phase II commitments.

In addition, we heard your strong concerns about how EPA would proceed with assessing progress by each jurisdiction in developing Phase II WIPs and achieving milestone commitments. We will use common sense in approaching these assessments. As was stated in the milestone guide, our evaluations will first assess whether jurisdictions have achieved nitrogen, phosphorous and sediment reduction targets *for their state as a whole*, rather than within particular sectors or localities. The models are not the only tool for assessing milestones. We will ensure implementation is proceeding forward by also considering programmatic milestones. Our review of progress will take into consideration all available data and information, recognizing we will be continually working to credit new practices, factor in new scientific understanding, and account for previously underreported implementation actions.

EPA is committed to working with you to develop your Phase II WIP for implementing the TMDL. The adaptations our respective agencies have made to date and those described here will result in a more flexible Phase II process and improve our measure of progress in the future. Thank you for your commitment to work on parallel tracks that involve engaging local partners in shaping your next generation WIP, investing resources to meet your milestone commitments, continuously improving data inputs, and participating in the Partnership review of the suite of the Chesapeake Bay Program models in advance of the 2017 mid-course evaluation.

We appreciate your efforts and cooperation in moving forward with the implementation of WIP and milestone commitments and the restoration of the Chesapeake Bay. If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Jeffrey Corbin, EPA's Senior Advisor on the Chesapeake Bay, at 215-667-9304.

Sincerely,



Shawn M. Garvin
Regional Administrator



Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

November 9, 2011

The Honorable Scott York
Chairman, Board of Supervisors
Loudoun County
Post Office Box 7000
Leesburg, Virginia 20177

Mr. Timothy Hemstreet
County Administrator, Loudoun County
Post Office Box 7000
Leesburg, Virginia 20177

Dear Chairman York and Mr. Hemstreet:

As previously communicated, Virginia is in the process of developing a Phase II Watershed Implementation Plan (WIP) to help guide the cleanup efforts for the Chesapeake Bay. The Phase II WIP will be a refinement of the Phase I WIP that was developed to address the Chesapeake Bay TMDL. In our review of the recent revision to the Chesapeake Bay model that EPA is using to estimate nutrient loads to the Bay, we have identified several key problems with the model. Many of these issues stem from the improper representation of nutrient management planning on agricultural lands. We are working diligently with EPA to resolve these concerns.

In light of the above concerns about the Chesapeake Bay watershed model, we are pursuing two concurrent paths. First, we will continue discussions with EPA on how to refine the model to more accurately reflect the real benefits of agricultural nutrient management planning.

Second, as discussions with EPA progress, we will continue with the Phase II WIP planning process. Due to the limitations of the model we are modifying our approach. The most significant change will be a shift in focus away from establishing local reduction goals to BMP implementation levels of effort. Accordingly, we are slightly modifying the information we are asking local governments, Planning District Commissions (PDC) and Soil and Water Conservation Districts to provide in support of the WIP II document (note that most of the information is the same as previously requested):

- Develop a current BMP inventory – this information will be used to update implementation progress data in the Chesapeake Bay model;
- Evaluate the land use / land cover information included in the model and provide more accurate land cover information you may have – this will be of tremendous assistance in ensuring that model revisions made in the future will more accurately reflect land use information in your locality;

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- Review the 2017 and 2025 BMP scenarios as identified in the Phase I WIP and develop preferred local BMP scenarios that provide a similar level of treatment – identified local BMP scenarios will be aggregated and incorporated into the Phase II WIP;
- Develop strategies to implement the preferred BMP scenarios – strategies will also be aggregated and used in the development of Virginia’s Phase II WIP; and
- Identify any resource needs to implement the strategies and BMP scenarios – this information will be used in drafting Virginia’s Phase II WIP and developing of cost estimates for the implementation of the WIP.

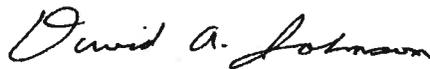
To achieve these objectives, we will provide you with the latest Chesapeake Bay model information for your area, recognizing that the model shortcomings will likely raise questions. We will provide access to an online tool called the Virginia Assessment and Scenario Tool (VAST), which will allow you to develop alternative BMP implementation scenarios and serve as a mechanism for you to report your information to the state. Training to local government staff has taken place on the use of the VAST tool throughout the state and hopefully these sessions have been beneficial. The deadline for submission of local information in support of the Phase II WIP is February 1, 2012. If local information is not provided before that date, the BMP scenarios developed as part of the Phase I WIP process in 2010 will be used as the default information for your locality.

To further assist you, we have provided grant funding for Phase II planning assistance and offered several sources of technical assistance to both PDCs and local governments. Specific information about sources of assistance has been communicated to your staff. Your staff will also be provided with a template for submission of the strategy and resource needs described above.

The approach the Commonwealth is using is one that we believe will result in the development of a plan that contains strategies that are both cost effective and locally appropriate. It is intended to allow flexibility for localities to use local information and existing program capacity to inform the development of Virginia’s Phase II Watershed Implementation Plan. We will continue to work closely with the PDCs, localities, and Soil and Water Conservation Districts to assist and facilitate the process. We hope that you will continue to engage and participate, so that we may work together to achieve our common goals of improving the quality of local streams and the Chesapeake Bay over the next 15 years and into the future.

If you have questions regarding this process, please do not hesitate to contact Christine Watlington at (804) 786-5678.

Sincerely,



David A. Johnson

c: G. Mark Gibb, Executive Director, Northern Virginia Regional Commission

ATTACHMENT 4

January 17, 2012

David A. Johnson
Department of Conservation and Recreation
203 Governor Street
Richmond, VA 23219

RE: Phase II Watershed Implementation Plan
Response to Letter Dated November 9, 2011

Dear Mr. Johnson,

On behalf of the Loudoun County Board of Supervisors, I would like to thank-you for your continued efforts to submit a Phase II Watershed Implementation Plan (Phase II WIP) for Virginia. I would like to specifically recognize your efforts to resolve problems with the Chesapeake Bay model that the Environmental Protection Agency (EPA) is using to estimate nutrient loads to the Chesapeake Bay. Loudoun County is pleased to have this opportunity to provide specific information in support of your efforts to develop the Phase II WIP.

In response to a request for information from DCR, the County provided DCR with the current BMP inventory in Loudoun County and land use/land cover information on September 29, 2011. The current Chesapeake Bay model and DCR database do not include some BMPs and pollution control measures currently utilized by the County. The County requests that BMPs currently practiced and provided, but not included in the model, be included in the Chesapeake Bay Model and counted toward meeting the local Bay goals. Loudoun County recognizes that as the process continues, DCR will continue to work with EPA on refining the Chesapeake Bay Model. The County is committed to providing the most accurate information to DCR and therefore intends to provide further updates to the BMP inventory as they are discovered.

In a letter dated November 9, 2011, DCR requested that Loudoun County provide local BMP scenarios, strategies to implement the BMP scenarios, and resource needs to implement the strategies and BMP scenarios. In addition, DCR requested that all scenarios and strategies developed provide a similar level of treatment to those identified in the Phase I WIP. This was different than previous direction provided in the June 13, 2011 letter to identify scenarios and strategies based on target pollution loads. DCR also stated that without local scenarios, the Phase I WIP scenarios would be used as local scenarios.

The County is currently reviewing scenarios and strategies provided by DCR for Loudoun County based on the Phase I WIP. Some of the Phase I WIP scenarios are potentially problematic for the County given that they are not practical, are outside of the County's authority, or are inconsistent with existing land use policies and goals. For example, one Phase I WIP scenario for Loudoun County is to replace 3,281 conventional septic systems with de-nitrification systems. Loudoun County does not have the authority to require owners to replace conventional septic systems with de-nitrification systems.

Another Phase I WIP scenario for Loudoun County is to replace 2,596 acres of alfalfa, hay, and pasture with tree plantings. Again, Loudoun County does not have the authority to require owners to plant trees in place of farming activities. Additionally, this action would be inconsistent with the County's long history of promoting active farming in rural areas.

The County recognizes the importance of developing scenarios and strategies in an effort to decrease pollutants. Due to the magnitude and potential impact to citizens, it is imperative that local scenarios and strategies be developed with active community engagement. The County is in the process of developing a work plan to engage stakeholders and provide community outreach concerning the Phase II WIP. The County believes it is essential to allow adequate time to engage the community and work to develop scenarios and strategies that are feasible to implement, are within our authority, and meet the needs of the community.

Loudoun County recognizes that the EPA expects the Phase II WIP to address how Virginia is working with local partners. To support Virginia's efforts, Loudoun County staff participated in Department of Conservation and Recreation (DCR) meetings, webinars, and training sessions. In addition, County staff participated in meetings hosted by regional organizations including the Northern Virginia Regional Commission, the Metropolitan Washington Council of Governments, and the Virginia Municipal Stormwater Association. By participating in these regional efforts, County leadership is both informed of the Phase II WIP process and is better positioned to provide this information to community leaders and stakeholders.

In addition to the numerous agricultural, stormwater, and septic system BMP's provided to DCR in September 2011, the County has implemented several programmatic initiatives to improve water quality in the Chesapeake Bay watershed. Some of the more recent initiatives include:

- A local ordinance that requires septic tanks to be pumped every 5 years.
- A local ordinance that requires septic tanks to be tested for water tightness at the time of installation.
- A local ordinance that requires alternative onsite sewage systems (AOSS) to be inspected annually.
- A local ordinance that reduced the land disturbance threshold that requires a grading permit from a 10,000 square feet to 5,000 square feet for all uses and increased the frequency of erosion and sediment control inspections.
- Additional funding for Loudoun Soil and Water Conservation District (LSWCD) livestock exclusion cost-share program.

- Additional funding to LSWCD for riparian buffer tree planting on private non-agricultural land.
- The County has developed a Comprehensive Watershed Management Program (CWMP) and has provided funding for a Pilot Watershed Management Plan for the Upper Broad Run Watershed.

Given the limitations of the Chesapeake Bay model, uncertainties of how state initiatives will affect local pollution reduction goals, the time needed to engage stakeholders and provide community outreach, and the unknown cost of implementation, the County is not able to present numeric scenarios and strategies at this time. Although the County understands that DCR intends to use the “default” BMP scenarios developed in the Phase I WIP, the County reserves the right to make changes to scenarios and strategies at any time during the Watershed Implementation Plan process. The County is dedicated to working with DCR during this important process.

Sincerely,

Scott York
Chairman
Loudoun County Board of Supervisors