

Piedmont Regional Pilot Project for the Chesapeake Bay TMDL

November 13, 2010

Leslie Middleton, Rivanna River Basin Commission



Original Goals of the Pilot Project

- Develop “watershed implementation plan” (watershed-based)
- Engage local stakeholders in the process
- Provide feedback to EPA and Virginia DCR for how to develop the Phase II WIPs
- Position region, watershed, and local governments for Phase II in 2011

Revised Goals of the Pilot Project

- Provide accurate information to different groups of stakeholders who will be affected by the Bay TMDL.
- Solicit feedback, concerns and suggestions to improve understanding of local implementation challenges.
- Ascertain the interest in a regional or watershed Phase II WIP.
- Evaluate whether Bay TMDL requirements can be seen as an opportunity to leverage support for cleaning up local (Piedmont) streams.
- Review existing impaired waters and analyze relative to Bay pollution targets in order to coordinate with local clean-up efforts.
- Provide feedback to Virginia DCR for the Phase II WIPs.

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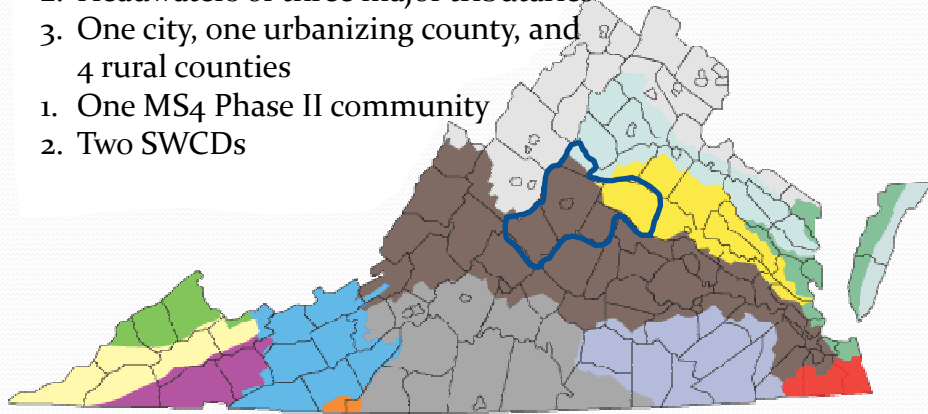
Piedmont Regional Pilot Approach

- *Understand Existing Conditions vs Bay TMDL Allocations*
(with assistance from TetraTech)
 - Analyze estimated waste load allocations in Pilot Project area in comparison to loadings specified in local “equivalent” TMDL in the Rivanna (*for sediment*)
- *Conduct outreach to pollutant sectors / stakeholders*
(with assistance from the Institute for Environmental Negotiations)
 - Conduct focus groups
 - Prepare findings
 - Return with findings to local elected bodies
 - Finalize report for EPA and DCR

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Select best region for pilot project

1. Six jurisdictions (5 counties, one municipality)
2. Headwaters of three major tributaries
3. One city, one urbanizing county, and 4 rural counties
1. One MS4 Phase II community
2. Two SWCDs



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Identify Leadership Team

A “committee of the willing”

- Connie Brennan Supervisor, Nelson County
- Bill Kittrell The Nature Conservancy
- Leslie Middleton* Rivanna River Basin Commission
- Rick Parrish* Southern Environmental Law Center
- Alyson Sappington Thomas Jefferson SWCD
- Carl Schmitt Supervisor, Greene County
- Sally Thomas* CBP LGAC
- Greg Wichelns Culpeper SWCD
- Steve Williams Thomas Jefferson PDC
- * Members, Virginia Stakeholder Advisory Group (SAG)
- Rick Hill, Chip Rice Virginia DCR

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Define stakeholder groups

- Who will be most affected by the Bay TMDL?
 - local government (staff and elected officials)
 - forestry/agriculture
 - building/development/economic development
 - permit holders (waste, MS4, industrial, onsite septic)
- We did not attempt to engage citizens, advocacy groups or the general public in any way.

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Strategies to engage local stakeholders

- Clarify who the stakeholders actually are
- Invitation-only focus groups
- Invite the skeptics to the table
- Encourage participation by all voices
- Utilize trusted voices within each stakeholder group to help guide the process

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Host focus groups

- Since land use and regulatory authority resides with local governments, start and finish here
 - Local government staff (July 21)
 - Agriculture (August 31)
 - Local elected officials (September 8)
 - Builders/developers (October 6)
 - Permit holders (October 21)
 - Presentations & workshops to local governing bodies
 - 10 presentations in October & November
 - Combined stakeholder focus group (December 2)

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Host focus groups

- What is the TMDL process?
- Who is responsible for pollution?
- Who is responsible for clean up?
- Timeline of Bay TMDL
- Concerns?
- Constructive ideas?

- Report back to groups with meeting summaries

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Pilot Project Observations

Complex issue with dense historic and scientific background and *evolving requirements* is a challenging context for building buy-in.

- *Must simplify language but not the science*
- *Be prepared to adjust the level of detail*
- *Use “cyclical learning” (multiple presentations)*
- *Remember that the Bay TMDL just one of many pressing issues facing local elected officials*

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Pilot Project Observations

Different localities have had different responses:

- *“We’ll just wait and see.”*
- *“Just tell us what you need us to do.”*
- *Outright suspicion of the state and EPA.*
- *Natural response to any uncertainty is fear. The natural response to fear is fight or flight.*
- *In the absence of detailed state-level resource gap analysis, local governments **assume** the burden will fall on them.*

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Pilot Project Observations

Stakeholder groups very similar in response

- *We won't be able to afford this*
- *We've done everything that we can do*
- *Farmers: we'll have to sell out*
- *Builders: this will force us out of designated growth areas*

BUT were consistently open to understanding “the other side”

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Pilot Project Observations

Interest in regional approach mixed, especially in context of potential backstop measures

- *MS₄ communities vs non-MS₄ communities*
- *Permit holders vs NPS*
- *Difficult to see the benefits of working together without clearly defined mechanisms for offsets and trading*
- *Rural counties have different challenges, especially available staff time and essential tools (inventories, mapping data)*

The effectiveness of these conversations is reduced when conducted in the context of uncertainty about sector allocations and allowable trading and offset opportunities.

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Pilot Project Observations

Dedicated funding for watershed implementation planning will be needed *at the local level* for the Phase 2 WIPs.

- *to collect and assess local existing conditions (inventories, gap analysis)*
- *Develop plans*
- *Outreach to stakeholders*

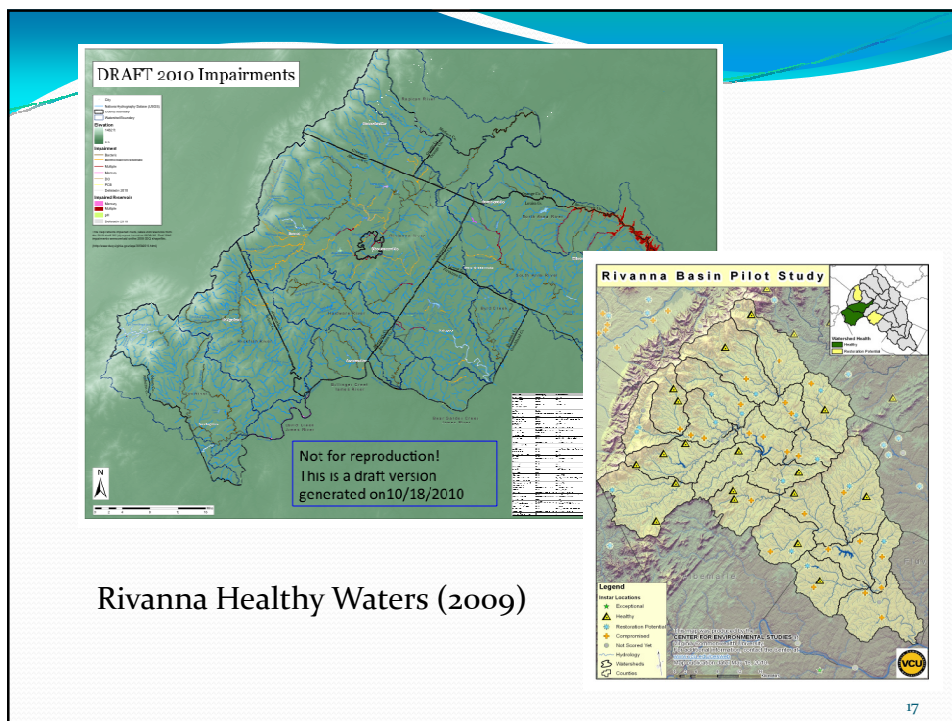
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Pilot Project Observations

Making the case for improved *local water quality and use of local water quality data* may be essential for eliciting buy-in of local governments and affected stakeholders.

- *Identify and protect local existing healthy waters.*
- *Specific and concrete assurances that existing local TMDLs will be addressed during this process.*
- *Clarify how local water quality data can be used*

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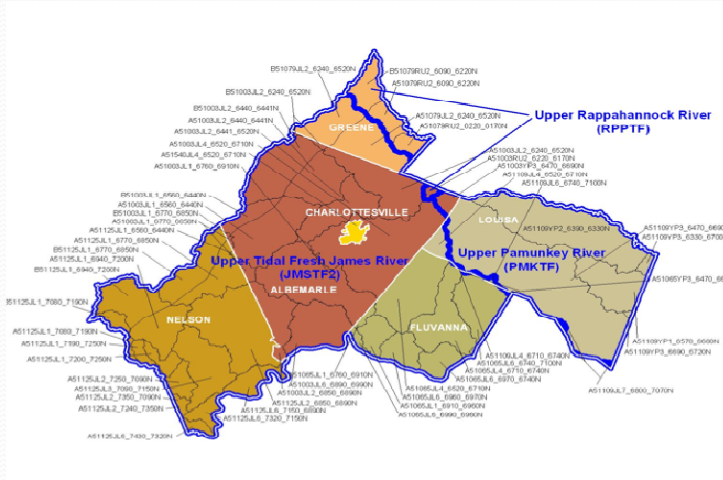
Rivanna Healthy Waters (2009)

Understand Existing Conditions vs Bay TMDL Allocations

- Identify and map all impaired waters in project area
- Select local impairment with loadings of nutrients and/or sediment
- Obtain Bay Model allocations for same sub-watershed
- Model types are not the same
- Sediment as surrogate may not be applicable
- Above fall line allocations vs below fall line (larger segmentsheds)
- Awaiting final TMDL

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Pilot Project and Bay Model Segments



Map Reference showing Assessment Units, Counties, and 5.3 Modelled Subsegments.

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Questions?

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