



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**CHESAPEAKE BAY PROGRAM OFFICE**  
410 Severn Avenue, Suite 109  
Annapolis, Maryland

FEB 15 2012

Anthony Moore  
Assistant Secretary of Natural Resources for  
Chesapeake Bay Restoration  
Patrick Henry Building  
1111 East Broad Street,  
Richmond, VA 23219

Dear Anthony:

Thank you for the submission to EPA of Virginia's draft Phase II Watershed Implementation Plan (WIP) narrative and final 2012-2013 programmatic milestones. I greatly appreciate the efforts of you and your partners to develop these documents, and EPA looks forward to analyzing model input decks when they are submitted to confirm the WIP and milestones will achieve expected pollutant reductions.

The Phase II WIP and 2012 – 2013 milestones are important elements in helping us meet the Chesapeake Bay Program Executive Council's goal of all practices in place by 2025 to meet water quality standards in the Chesapeake Bay. Through the Phase II WIPs, EPA asked the Bay jurisdictions to make key stakeholders aware of their role in cleaning up our region's waterways and strengthen the pollution-reduction strategies for sectors that received enhanced oversight or backstop actions based on the Phase I WIPs. EPA expects the 2012-2013 milestones to demonstrate that jurisdictions are taking the necessary, near-term actions to achieve these long-term goals.

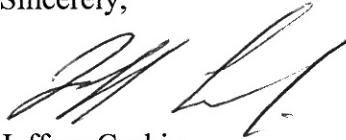
I am enclosing EPA's evaluation of Virginia's draft Phase II WIP and final, 2012-2013 milestones. EPA recognizes Virginia's efforts to engage localities through its Planning District Commissions, including hosting multiple rounds of workshops throughout the watershed. It is encouraging that the vast majority of localities submitted local plans to the Department of Conservation and Recreation on February 1, and that these plans will inform Virginia's Final Phase II WIP. EPA appreciates that the Phase II WIP documents progress to implement Phase I WIP commitments, particularly within the agricultural sector. EPA does question Virginia's ability to fulfill its stormwater commitments given the continued backlog of expired MS4 permits. EPA expects the Final Phase II WIPs and amended milestones to include a schedule for issuing permits with provisions to meet the TMDL allocations; strategies to assure compliance with permits and stormwater regulations; and commitments to implement the corrective action plan associated with EPA's assessment of Virginia's stormwater program.

Based on your draft Phase II WIP and 2012-2013 milestones, EPA intends to maintain ongoing oversight of Virginia's agriculture, wastewater, and offset and trading programs. Because Virginia has not addressed concerns with stormwater strategies that EPA identified in the Phase I WIP and has not met the commitment from the Phase I WIP to reissue Phase I MS4

permits in 2011, EPA will maintain enhanced oversight of this sector. The enclosed evaluation identifies potential federal actions that EPA may enact if key improvements are not included in the Final Phase II WIPs and 2012-2013 milestones. However, it is EPA's desire to avoid these federal actions if possible, and we are committed to working with you to continue strengthening the Phase II WIPs and 2012-2013 milestones between now and March 30, 2012.

I look forward to our continued dialogue as we work toward a strong Phase II WIP and near-term milestones that will help achieve our shared goals for a restored Chesapeake Bay. Please let Ann Carkhuff or me know of any questions, and we will be in touch.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Corbin', with a stylized flourish at the end.

Jeffrey Corbin  
Senior Advisor to the Administrator for Chesapeake  
Bay and Anacostia River

cc:

Shawn R. Garvin

Nicholas A. DiPasquale

Jon M. Capacasa