

## COG Formal Comments on the Draft EPA TMDLs & State WIPs – Potential Themes

Prepared by COG staff (draft, 9/27/10)

- **EPA’s TMDL Should Clearly Portray Nonpoint Source Allocations as ‘Preliminary’**- Source allocations for nonpoint sources (particularly agriculture and urban stormwater) should be regarded as preliminary to reflect the uncertainty inherent in the current version of the watershed model and questions about how loads were allocated among these sources.
- **EPA Needs to Confirm Ability to Revisit/Revise Allocations for WIPs & TMDLs if Needed** - We support Maryland and Virginia’s intention to revisit the allocations during the development of the Phase 2 WIPs and EPA’s willingness to change its TMDL numbers accordingly.
- **EPA & States Should Address Cost-Benefit Considerations** - Cost-benefit considerations, and hence assessments of true feasibility, are largely absent from the WIPs and should be addressed. We support Virginia’s intention to conduct a cost-benefit study to inform sector allocations during the Phase II WIP process.
- **EPA & States Should Require Greater ‘Reasonable Assurance’ from Agricultural Sources** - State WIPs should provide more reasonable assurance that ag-based load allocations can be met so as to avoid federal imposition of backstopping measures on regulated sources such as MS4 stormwater permittees.
- **EPA & States’ Plans Must Acknowledge Need to Enhance/Expand Funding if Deadlines Are to be Met** - Deadlines and timing to augment existing funding mechanisms are either not discussed or are unrealistically ambitious. This risks setting up local governments and utilities for failure if necessary funding cannot be found.
- **EPA & States Need to Allow Maximum Implementation Flexibility for Local Governments** - It is not clear how much flexibility, such as the ability to reallocate among different source sectors that local stakeholders will have in developing implementation plans.
- **EPA Needs to Require Federal Sector to Match or Exceed State Standards** - We believe the federal sector should “lead by example” and be held accountable to the highest overall reduction efforts.
- **EPA & States Need to Make Sure Growth Policies Support Infill Development** - We support elements of the WIPs that are designed to ensure that new development either does not increase loads or that the use of offsets does not work against smart growth policies.