

Chesapeake Bay TMDL

The Bay TMDL is coming ...
Can we make it work to our local advantage?

- Acquire needed resources
- Propose actions that work for local farming/forestry operations
- Clean up local waters

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Purposes of Meeting

- Provide information on Chesapeake Bay TMDL process
- Gather information on local concerns, local resource needs, and local ideas for action within the ag/forestry sector
- Discuss idea of regional response to Chesapeake Bay TMDL including regional/local Watershed Implementation Plan
- Provide input to state on how best to work with local groups and local governments

Presentation Outline

- How Did We Get To This Point?
- What is a TMDL?
- How is Chesapeake Bay TMDL different?
- Who will be affected?
- Will there be enforcement?
- Timeline
- Elements of Watershed Implementation Plans (WIPs)
- What assistance could farmers receive?
- Regional approach
- Piedmont Regional Pilot Project

How Did We Get To This Point?

1972 - Clean Water Act

1987 - Chesapeake Bay agreement

1999 - Virginia TMDL case settled

2000 - Chesapeake Bay 2000

2008 - Bay states ask EPA to take over Bay TMDL

2010 - Chesapeake Bay Foundation case against EPA settled

What is a TMDL?

- **Total Maximum Daily Load** = maximum amount of a pollutant that a body of water may receive and still meet its water quality standards
- Shorthand for a water quality restoration plan and public process by which it is produced
- Considers **all** sources of pollution

Chesapeake Bay TMDL?

- Focus: restoring nutrients and sediment to acceptable levels in the Bay
- Divides Bay and tidal tributaries into 92 segments
- Many local waters will have to be restored and protected in order for the Bay TMDL to succeed

Chesapeake Bay vs. other TMDLs?

- Most complicated, data-rich TMDL ever attempted
- Involves 6 states, DC and federal agencies
- Will include Watershed Implementation Plans
- 2-year incremental steps through 2025
- Support from Executive Order
- Effort to account for what's done

Who will be affected?

- Federal, state and local governments
- Point sources of wastewater
- Permitted stormwater runoff (developed areas)
- Agriculture (some more than other, i.e., CAFOs)
- Alternative and onsite wastewater (inc. septic)
- Air deposition (power plants, vehicles, animal waste lagoons)
- Natural gas production in Marcellus Shale (new)
- Homeowners

Chesapeake Bay TMDL → Local Level

- Allocations – nitrogen, phosphorous, sediment
- “Local” plans to achieve allocations
- Potential for some discretion as to the scale for allocations & planning (localities, SWCDs, PDCs, watersheds ...)
- Will require improved attention to water quality by all sectors, but some discretion will exist for how to meet local pollution allocations as a whole.
- BUT, if no local plan → Responsibility for meeting pollutant loads falls on DCR and ultimately EPA

Will There Be Enforcement?

- Yes – for TMDL as a whole & for state level
- Unclear how it will affect farmers
- Legislation pending in Congress could affect enforcement & resources: Cardin/Cummings (S 1816 & HR 3852), or Goodlatte/Holden (HR 5509)
- CAFOs already regulated – Could become more stringent.

Process/Timeline

- Draft Phase I WIPs: September 1, 2010
- Public Comments: September 24 – November 8
- Final Phase I WIPs: November 29
- Final TMDL containing Phase I WIPs: December 31, 2010
- Phase II WIPs: during 2011
- 2-year incremental plans (mini-WIPS) due from states every other year
- Phase III WIP: by 2017 (60% of goals)
- Full implementation: by 2025
- Actual attainment of water quality standards in the Bay will follow

Elements of Watershed Implementation Plans

- Interim and Final Target Loads
- Current loading baseline and program capacity
- Account for growth
- Gap analysis (resources, programs, regs, etc.)
- Commitment and strategy to fill gaps
- Tracking and reporting protocols
- Contingencies for slow or incomplete implementation
- Detailed targets and schedule

How to Make This Work Best For Local Agricultural Community?

- WIPs → Document needed levels of technical assistance, funding, other resources to meet allocations (“gaps”)
- Piedmont Regional Pilot Project → Give local communities the opportunity to provide: **local** gap info, most effective **local** strategies, most effective **local** scale
- **Local** info → strategies and timelines to remove barriers; WIP that will include an estimate of implementation costs and listing of potential funding sources.
- Potential for nutrient trading to be part of a local plan.

Advantages of Working Together as a Region?

- Collective voice asking for resources for implementation
- Opportunities to work together to figure out the best methods for reducing loads of pollutants across all sectors
- EPA has created potential for pollutant offsets with other regions

Piedmont Regional Pilot Project for the Chesapeake Bay TMDL

Task 1: Conduct outreach to pollutant sector stakeholders (local government, developers/builders, agriculture, point sources)

Task 2: Existing Conditions – Utilize local monitoring data to base line existing conditions, analyze pollution targets, & coordinate with local clean-up efforts

PRPP Committee (a lesson in acronyms):

- TJSWCD
- RRBC
- TJPDC
- SELC
- VA SAG CB TMDL
- Local Government Officials (Greene, Nelson BOS reps)
- IEN

Planned Focus Groups & Outreach

- Local Government Staff Members – July 21
- Agriculture Stakeholders – Today
- Local Elected Officials – September 8
- Developers/Builders – mid/late September
- Point Sources – mid/late September
- Citizens/Interest Groups (?)
- Report to Local Governments –
October/November

Input/Discussion

- Current understanding of Bay TMDL & potential impacts?
- Biggest concerns about Bay TMDL?
- Practical ways for farmers to reduce pollution?
- What could help you to prepare for the TMDL?
- How can Bay TMDL be used to achieve other goals?
- From where have you been learning about the TMDL?
- How would you like to get future updates?
- What role would you like to play in developing a local WIP; what do you see as a practical scale for a local plan?