



Chesapeake Bay TMDL Process for Local Governments

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Introduction

Purposes for Meeting:

- Provide Information on Chesapeake Bay TMDL process
- Discuss how the Ches Bay TMDL process could impact local governments
- Discuss possibility of regional response to Chesapeake Bay TMDL including regional Watershed Implementation Plan
- Provide input on stakeholder process for Piedmont Regional Pilot Project for Chesapeake Bay TMDL

Presentation Outline

- History and Background
- What is the Chesapeake Bay TMDL?
- How will the Chesapeake Bay TMDL affect local governments
- Chesapeake Bay TMDL process
- Piedmont Regional Pilot Project for the Chesapeake Bay TMDL
- Input/Discussion

Very Brief History of Efforts to Improve Chesapeake Bay Water Quality

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 development of Bay TMDL

2010 - Chesapeake Bay Foundation case against EPA settled

What is a TMDL?

- TMDL stands for Total Maximum Daily Load. The TMDL represents the maximum amount of a pollutant that a body of water may receive and still meet its water quality standards, with a margin of safety.
- TMDL is also shorthand for a water quality restoration plan and the public process by which it is produced.
- A TMDL is comprised of wasteload allocations for:
 - “point sources” like sewage treatment plants, urban stormwater systems and large animal feeding operations
 - load allocations for non-point sources such as polluted rainfall runoff from agricultural lands and impervious surfaces
 - a margin of safety and,
 - if desired, an allocation to accommodate growth.

What is the Chesapeake Bay TMDL?

- Water quality restoration plan aimed at restoring nutrients and sediment to acceptable levels in the Bay
- Intended to restore dissolved oxygen and clarity
- Bay computer model 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

How is the Chesapeake Bay TMDL different from other TMDLs?

- Most complicated, data-rich TMDL ever attempted, with most sophisticated model
- Involves 6 states, DC and federal agencies
- Will include Watershed Implementation Plans
- 2-year incremental steps
- Support from Executive Order

What source sectors will be affected by the Chesapeake Bay TMDL?

- Federal, state and local governments
- Point sources of wastewater (sewage treatment plants, esp.)
- Permitted stormwater runoff (MS4s, construction projects)
- Agriculture (some more than other, i.e., CAFOs)
- Alternative and onsite wastewater (incl. septics)
- Air deposition (power plants, vehicles, animal waste lagoons)
- Natural gas production in Marcellus Shale (new)
- Citizens

How will the Chesapeake Bay TMDL affect local government?

- Allocations set for local governments/watersheds/regions for nitrogen, phosphorous, sediment
- We might have some discretion as to whether the local level identified as municipalities, watershed organization or PDC
- Require improved attention to existing regulatory efforts
- Require increased regulatory efforts
- All new pollutant loadings resulting from growth will need to be offset
- Local discretion will exist for how to meet pollutant loads. But, if there is not a local plan, then responsibility for meeting pollutant loads will fall on DCR and ultimately EPA

How is this any different from the Va stormwater regulations?

- Both are regulatory processes that are being imposed to improve water quality
- Va Stormwater Regulations go into effect 280 days following the finalization of Virginia Watershed Implementation Plan or Dec 2012.
- The stormwater controls are a very important part of the Chesapeake Bay TMDL process
- The Chesapeake Bay TMDL process is broader, and will focus on source sectors beyond stormwater
- The Chesapeake Bay TMDL process is attempting to reach reduced pollutant levels by 2025 that will lead to restoration of the Chesapeake Bay.

Will there be any actual enforcement that will impact local government?

- Enforcement could come from state or federal agencies, or from citizens, including fishing or environmental groups
- Legislation pending in Congress could affect (Cardin/Cummings bill, others)
- Enforcement possible with or without TMDL

How will this process play out over the next couple of years?

- Draft Phase I WIP due from states to EPA end of August
- TMDL containing WIPs to be finalized by Dec. 31, 2010
- Phase II WIPs to be developed during 2011
- 2-year incremental plans (mini-WIPS) due from states every other year
- Phase III WIP to be developed by 2017
- EPA aims for 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
- Appendix with detailed targets and schedule

What assistance could local governments possibly receive?

- An important part of developing the implementation plan will be determining just what levels of training and funding, among other resources, will be needed to meet goals of the TMDLs.
- Major purpose of this pilot project is to give local governments the opportunity to tell EPA/DCR the resources that will be needed for implementation.
- Once obtained, this information will be used to develop strategies and timelines to remove those barriers. This should lead to an implementation plan that will include an estimate of implementation costs and a listing of potential funding sources for the various implementation actions.

What advantage is there in working together as a region in this process?

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

Piedmont Regional Pilot Project for the Chesapeake Bay TMDL

Task 1: Existing Conditions – Utilize local monitoring data to base line existing conditions and analyze pollution targets

Task 2: Conduct outreach to pollutant sector stakeholders (local government, developers/builders, agriculture, point sources, citizens) to do the following:

- a) Solicit input on Chesapeake Bay TMDL
- b) Identify information or resources that are needed for implementation of Ches Bay TMDL within the region
- c) Build support for development of a regional Watershed Implementation Plan

Planned Stakeholder Outreach

- Local Government Staff Members – July 21
- Agriculture Stakeholders – late August
- Local Elected Officials – September 8, 8:30 am
- Developers/Builders – mid/late September
- Point Sources – mid/late September
- Citizens/Interest Groups – early October
- Report to Local Governments – November

Input/Discussion

- What are your primary concerns with the CB TMDL process and potential impacts, and what do you believe are the primary concerns of local officials and various interest groups?
- Would a piedmont regional or watershed-specific plan help to address any of these concerns?
- What problems or issues do you think we would face if we attempted a regional or watershed based WIP?
- Who should be included in the interest focus group sessions?
- Do you have comments/suggestions for the materials and presentation?