



Update on Chesapeake Bay Program Developments

Briefing to the
Water Resources Technical
Committee
May 6, 2009

Water Quality Steering Committee *[updates]*

- Bay TMDL Development
 - Still on schedule overall *[Allocation Decisions Delayed]*
 - Draft major basin/state load allocations – July – Sept. 2009 (vs. April)
 - State SIPs – Drafts by Jan. 2010
 - Bay TMDL – Dec. 31, 2010
 - **92** TMDLs (i.e., by river segments/Designated Uses/by State)
 - Current Tributary Strategies not sufficient to achieve DO standard *[chlorophyll a & clarity responses still TBD and "236 = new 175"]*
 - Maximum Extent Feasible scenario – **Dropped; now Fully Regulatory and other (TBD)**
 - UAA Process – **Dropped; now Affordability Analysis**
 - **WSM 5.3 not final yet (soon); Need 5.4 – Refinements vs. significant changes Bay-wide (i.e., more localized implications)**

Water Quality Steering Committee *[updates]*

- Bay TMDL Developments
 - 2-Year Milestones
 - a.k.a. TMDL Implementation Schedules or State Implementation Plans (SIPs)
 - End Dates
 - Range from 2014/2020 to 2024/2025
 - Results: MD – 2.5 times current implementation rates; VA- 3 times current implementation rates (feasible/affordable??)
 - Regulatory Implications????
 - No UAA
- Events
 - WQSC Discussion – April 15 -16th meeting
 - PSC Meeting – April 20th
 - EC Meeting – May 12th

Key Issues/Activities: 92 Water Body Segments

- Related to updated 303(d) lists
- Linked to Watershed Model (WSM) segments
- TMDLs for each segment/use
- **New Focus/Info.**
 - Evaluate Allocations by State & AFL/BFL (but not necessarily assign allocations that way)
 - Relative Effectiveness
 - Geographic-specificity (e.g. drive local WQ responses by local loads vs. Bay-wide reductions)
 - Evaluate criteria/Designated Uses & WQ responses
- **No UAA**
- **Monitoring Program – Proposed changes/realignment**

CBP Presentations

- #6 – Load Allocations
- #7 – Relative Effectiveness
- #10 – Scenario Load & WQ Responses

Key Issues/Activities: Modeling Scenarios

- Modeling Updates (WSM & WQSTM & Air)
- Loads from & responses to Loads (i.e.. water quality responses) have changed results for Tributary Strategies & E3 scenarios
- Challenge to compare old vs. new scenarios
- **'Fully Regulatory'** scenario
 - Versus Tributary Strategies & E3 scenarios

Key Issues/Activities: Water Quality Responses

- CB4 – Still main driver for Main Bay (Deep Water) DO
- Potomac Mesohaline (Deep Water) DO issues
- Chlorophyll *a* & Clarity responses – TBD
 - How to evaluate narrative vs. numeric criteria?
 - Will be driver for localized responses
- More geographic-specificity (localized responses, AFL/BFL, etc.)

Key Issues/Activities: Fully Regulatory

- Key concerns for:
 - All sectors – Regulatory implications of TMDL Implementation timeline?
 - WWTPs – TMDL fallback if Reasonable Assurance case not met (e.g., < TN 3-4 mg/l?)
 - CSOs – Need to account for loads (efforts underway)
 - SW – Reasonable Assurance (uncertainty)

Key Issues/Activities:

Fully Regulatory & Other Scenarios

- Sectors (*current understandings*)
 - WWTPs – Current regulations in VA/MD/ (DC) i.e., 3-4 mg/l TN; maybe > BNR in other locations
 - CSOs – Approved LTCPs
 - Need to quantify loads (fully treated, partially treated, untreated) to ensure proper allocation under permit
 - CSO Communities effort to address loads
 - Septic – TBD
 - Urban/Stormwater – Controversial
 - Urban Work Group vs. EPA views [*ref. Norm Goulet*]
 - Other sectors – Varies, expanded effort under Agriculture

Key Issues/Activities: Others

- Load Allocations (Tributary & Local) – TBD
- Daily Load – 3 calculation options (final TBD)
 - 365-Average / Multiplier / Variable Daily Load
 - EPA wants consistency rather than state to chose
 - Implications/impacts not clear yet
 - WWTP versus CSO Loads
 - Permitting
 - Potential fines

Key Issues/Activities: Others

■ 2-Year Implementation Milestones

- Just Political or linked to TMDL 'Reasonable Assurance' provisions (i.e., TMDL implementation milestones) – BIG difference
- Now linked to State SIPs (like air conformity concept)
- Being developed along with 'new' Bay goal (dates proposed)
- NOT being developed in relationship to Maximum Extent Feasible or TMDL implementation discussions (i.e., parallel but unconnected process)

Recommendation – WRTC Letter to WQSC

- Legal implications & risk to public confidence being ignored (*e.g., failure to meet yet another Bay 'goal'*)
- Raise to COG CBPC and CBP's PSC/EC levels if needed
- This summer - given delay in allocation decisions

Policy Issues/Questions

(previously ID'd – and how being addressed)

1. Pressure for More Regulatory Requirements – Address via *'Fully Regulated'* discussions
2. Funding for Implementation – Address Via *Affordability effort & Other Regional Mechanisms*
3. Bay TMDL Waste Load Allocations - 'Local' Allocations – Address via *2-Year Milestones Input & Proposed Letter*

WRTC Recommendations to CBPC *(ID'd 1/8/09 – Status)*

1. Track/Report/Shape CBP's WQSC, etc. on behalf of COG members.
 - **Continues**
2. Plan WRTC Work Session (3/12/09 WRTC meeting/other) for EPA/States to present proposed approaches for "Local Allocations."
 - **Request as part of CBP's TMDL Communication Plan (this summer)**

Next Steps

- Bay Allocations Input
 - Raise concerns via letter
 - COG staff input via various CBP Work Groups
- Regulatory Issues:
 - WWTPs – Via Wastewater WG
 - SW – Via Urban SW WG
- Workshops/Forums/Technical Reviews
 - July WRTC meetings
 - RMS meetings (address monitoring implications)
 - Futures Forum
 - Others (ref. FY 2010 Work Program)