

Discussion Points for COG Bay TMDL Forum II
Wednesday, Nov. 30, 2011

Topic	Issue Background	What we want to say to EPA/states
Implementation	Despite multiple uncertainties, local governments in the Washington region continue to implement new projects and programs to reduce nutrient and sediment loads; however, it is not clear that all of these efforts are adequately accounted for in the Bay model.	<p>1) EPA/states should provide as much support to local implementation efforts as possible, including through the funding of programs, the elimination of regulatory inconsistencies or better tracking and accounting systems.</p> <p>Local examples:</p>
	Schedule	EPA recently acknowledged limitations to the use of the watershed model to establish loads and reduction targets at the local level and said that the Phase II WIP plans don't need to be quantified at the local level. More accurate modeling data may not be available before 2017.
Given the uncertainty at the local level, it remains unclear if local governments can afford to meet Bay TMDL obligations in the time frames required by EPA/states		<p>2) During the mid-course correction in 2017, EPA/states should consider lack of funding to achieve projected rates of implementation as grounds for extending the final implementation deadlines.</p>
Flexibility	(same point as above regarding lack of accurate data at the local level)	<p>1) MS4 permit language that spells out requirements for achieving Bay TMDL targets needs to be appropriately flexible, i.e. it is premature to put specific Bay TMDL wasteload allocations in these permits when model output is not accurate at local scale.</p> <p>Local examples:</p> <ul style="list-style-type: none"> • Remove current (inaccurate) MS4 wasteload allocations for Virginia Phase I permittees in Appendix Q of the TMDL.
	The possibility of trading nutrient and sediment reduction credits between and among the different sources of pollutants remains only a theoretical possibility as EPA/states have not yet developed true practical trading systems	<p>2) EPA/states should allow local governments to use all of their nutrient allocations, including those for wastewater, to meet reduction targets – just as states are allowed to allocate loads and reduction efforts among the different source sectors.</p>

Flexibility (cont.)		<p>Local examples:</p> <ul style="list-style-type: none"> Arlington is looking at the potential to use N and P credits from the county's recent wastewater plant upgrade to allow additional time for the county's stormwater program to implement the practices necessary to meet its Bay requirements.
	Maryland's current MS4 permitting approach (which includes a requirement to retrofit untreated impervious surface) assigns different weights to certain BMPs than the watershed model does for the Bay TMDL.	<p>3) EPA/states should be consistent in establishing credit for the various BMPs under the Bay TMDL and in individual stormwater permit requirements; both programs should allow local governments to be as flexible as possible in their implementation strategies.</p>
		<p>Local examples:</p> <ul style="list-style-type: none"> Frederick County has found that some lower-cost practices such as tree planting get more credit in meeting Bay requirements than they do in meeting proposed stormwater permitting requirements, which may limit their usefulness to local governments.
Adaptive Management	Traditionally, the Bay Program modeling effort has focused far more on agricultural practices than urban stormwater ones. There is now a beginning effort to spend more resources on the urban sector and to revise reduction efficiencies for certain BMPs and to establish these for newer BMPs.	<p>1) EPA/states should continue to emphasize the re-evaluation of existing BMPs and provide adequate resources for the evaluation of innovative new BMPs for use in the watershed model. They also need to address the concern among local government stormwater practitioners that stream restoration projects are not receiving adequate credit in the Bay model.</p>
		<p>Local examples:</p> <ul style="list-style-type: none"> A recent analysis by Arlington County indicates that if stream restoration was to receive more credit than it currently does in the Bay model, as many technical experts support, then the county could meet its Bay reduction obligations in a more cost effective manner than by relying solely on costly and difficult to implement retrofit BMPs.
	In acknowledging limitations to the current model, EPA laid out a process to update the model and address known flaws.	<p>2) EPA/states should continue to reach out to local governments for input on model data, assumptions and flaws.</p>
		<p>Local examples:</p>
Cost/Benefit	EPA is in the midst of generating a report on the costs and benefits of the Bay TMDL. The state of Maryland recently released its own cost estimates for urban BMP implementation, which found that there is not a lot of information on a lot of the BMPs expected to be used for the Bay TMDL.	<p>1) EPA/states should create a process (possibly building off the current Maryland effort) for compiling BMP cost information generated by local governments and commit to a continuous updating of such implementation costs.</p>
		<p>2) EPA should consult local governments in compiling its report on the benefits of implementing the Bay TMDL, particularly when documenting the benefits of creating environmental jobs.</p>