

# CHESAPEAKE BAY PROGRAM UPDATES

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## Planning for September 2022 Bay Forum

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CBPC Meeting  
July 15, 2022



# To Be Discussed

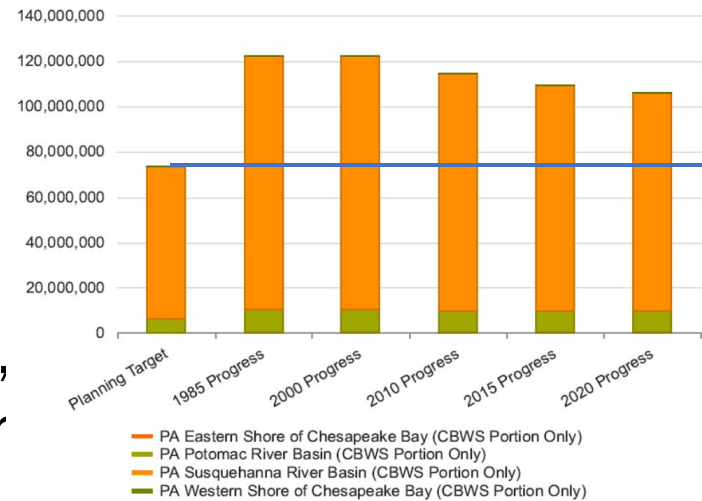
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- Issues threatening achievement of 2025 TMDL deadline
- Insights for COG Policy (from past updates)
- Suggested talking points for September forum: Both Bay and other water quality issues.

# The Issues

- To meet the 2025 deadline, further N reductions must total about 42 million pounds, for which PA is responsible for 30 million pounds
- Lack of N reductions from ag are main cause of this gap
- Monitoring tells us we are making progress, but climate change and dynamic equilibrium at Conowingo undermine this progress

Pennsylvania



# Progress in Achieving the TMDL

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## Monitoring Data

- Shows progress, but deep water remains out of compliance with water quality standards because of hypoxia
- Increased focus on shallow water also likely to show non-attainment in various places

## Modelling Data

- Bay Partners overall **will not meet 2025 planning targets** (in PA, maybe other states)
- Climate change, Conowingo, etc., have made targets harder to achieve

# Insights for Current COG Policy

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## Addressing shortfalls

- Bay Partners will not achieve 2025 TMDL reduction goals (PA/Ag Sector gap)
- Conowingo WIP, climate change and model upgrades have made the gap even larger
- EPA reluctant to re-assign loads to other parties

Impact of current litigation - ?

## **Current COG policy**

- Under equity principle – don't reassign PA loads to other states
- Support more funding for PA ag sector to help close the

# Increased Federal \$ for Bay Program

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- Under the new federal infrastructure bill, Bay Program slated to receive additional \$47.6 million/year over 5 years
- COG supported more funding for “most effective basins” approach (February letter)
- Recent EPA announcement of \$55 million in federal infrastructure money
  - \$40 million for National Fish and Wildlife Foundation’s Chesapeake Stewardship Fund and
  - \$15 million on Most Effective Basins
    - See [EPA Announces \\$40 Million from Infrastructure Law for Chesapeake Bay Restoration | US EPA](#)



# Insights for Future COG Policy

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## Post -2025

- Reductions to meet TMDL goals to continue long past 2025
  - 2035 climate change adjustment will require additional reductions from all Partners
- Modeling uncertainties call into question use of one set of numbers to evaluate TMDL compliance
- Increased emphasis on modeling shallow waters likely to lead to further reduction requirements for “local” TMDLs
- Need to preserve wastewater capacity for growth



# Bay Forum Suggested Talking Points

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1. Use flexibility in evaluating 2025 TMDL deadline
  - 2025 deadline not a legal requirement
  - Use multiple lines of evidence to evaluate progress, not just watershed model results
  - Continue to find ways to funnel federal funds to PA restoration efforts
  - Other Bay states should not be expected to fund PA efforts



# Bay Forum Suggested Talking Points

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2. Restoration efforts need to continue long past 2025
  - Current gaps, climate change, etc., driving need for further reduction efforts in future
  - Urban areas can make some progress on stormwater reductions (though many challenges), but wastewater utilities are mostly at limit of technology
  - Preserving wastewater sector's capacity for growth may lead to future increase in loads from present levels



# Bay Forum Suggested Talking Points

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3. Local governments must integrate flood resiliency efforts with nutrient and sediment reduction
  - Climate change posing many challenges for local water programs, including greater emphasis on quantity controls and flood resilience
  - Bay Program can help with tools that address quantity, but should not venture into regulation in this area
  - Local emphasis on flooding issues may lessen resources devoted to nutrient and sediment reduction

# Bay Forum Suggested Talking Points-Beyond the Bay

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4. Accessing the Infrastructure Investment and Jobs Act (IIJA) and SRF Funding
  - Portions of our counties and cities would qualify as “disadvantaged communities.” How can our members pursue the large portion of IIJA clean water and drinking water SRF grants?
  - How is EPA making funding dispersal easier?

# Bay Forum Suggested Talking Points-Beyond the Bay

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5. Affordable and adequate housing depends on affordable water infrastructure.
- A COG Board priority is to increase affordable housing.
  - Need to keep water and wastewater infrastructure affordable: If push wastewater beyond the limits of technology or push drinking water systems to remove minute traces of PFAS and other emerging contaminants, costs will rise.

# Bay Forum Suggested Talking Points-Beyond the Bay

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## 6. Source Water Protection

- Focus on keeping contaminants such as PFAS from entering our environment, versus removing them from water and wastewater.

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