



Update on Chesapeake Bay Program Developments

Briefing to the
Water Resources Technical
Committee
March 12, 2009

Water Quality Steering Committee *[updates]*

- Bay TMDL Development
 - Still on schedule overall *[Very fast track]*
 - Draft major basin/state load allocations – April 2009
 - Bay TMDL – Dec. 31, 2010
 - **92** TMDLs (i.e., by river segments/Designated Uses/**by State**)
[Clarification - not real change]
 - Current Tributary Strategies not sufficient to achieve DO standard
[chlorophyll a & clarity responses still TBD]
 - **Maximum Extent Feasible** scenario
 - UAA Process *[Still pending]*

- Next Events
 - WQSC Discussion – **March 30th**
 - **PSC Meeting** – **April 20th**
 - **EC Meeting** – **May (date TBD)**

Key Issues/Activities: 92 Water Body Segments

- Related to updated 303(d) lists
- Linked to Watershed Model (WSM) segments
- TMDLs & potential UAAs for each segment

Insert Bay 92 Segment slide (i.e. #4)

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
- 'Maximum Extent Feasible' 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

**Insert WQSTM map (i.e,
slide #2)**

**Insert 16 geo. Regions
map (i.e. Slide #3)**

Key Issues/Activities: Maximum Extent Feasible

■ Applications

- Scoping 'potential level of effort' scenario now
- Could be used to define required levels of implementation to meet TMDLs

■ Definition & Relationship to Other Scenarios

- Technically feasible without funding or political constraints (????)
- Higher/Lower than Tributary Strategies or E3? -
Varies by sector

Key Issues/Activities: Maximum Extent Feasible

■ Regulatory Links

- WWTP's Level of Treatment (LOT)
- Stormwater MS4 Maximum Extent Practicable
- Critical element for satisfying TMDL 'Reasonable Assurance' provisions

Key Issues/Activities: Maximum Extent Feasible

- 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
- UAAs – Nothing new; TBD

Key Issues/Activities: Others

■ 2-Year Implementation Milestones

- Just Political or linked to TMDL 'Reasonable Assurance' provisions (i.e., TMDL implementation milestones) – BIG difference
- Being developed along with 'new' Bay goal (??)
- 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

Policy Issues/Questions

(previously ID'd – and how being addressed)

1. Pressure for More Regulatory Requirements – *Address via 'Maximum Extent Feasible' discussions*
2. Funding for Implementation – *Address Via UAA 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."
 - **On Hold until after April 20th PSC meeting**

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

3. WRTC Volunteers - Work with COG staff on recommendations for WRTC/CBPC (& possibly COG Board) on following:
 - a) Revise 4 COG "Policy Principles" (e.g. given that CBP continues to become increasingly regulatory); **DONE – See Draft Resolution**
 - b) Input to CBP re: local wasteload allocations (i.e., scope, elements, WWTP and MS4 stormwater issues); **Request for WRTC data**
 - c) Input to CBP Partners re: 2-year milestones (e.g., EC to adopt in May 2009);
 - a) **Reference agenda discussion/request for WRTC input**
 - d) Input to States re: local allocations & revised Tributary Strategies &/or TMDL Implementation Plans; **Reference agenda discussion/request for WRTC input**
 - e) Input to States re: implementation policies for urban mgmt. strategies (i.e., funding, cost-effectiveness, permitting, flexibility); and **Reference Draft Resolution & Max. Ext. Feas. efforts**
 - f) Input to CBP re: UAA process/assumptions. **On HOLD for now**

Next Steps

- Key Policy Principles
 - WRTC to endorse draft Resolution
 - CBPC briefed on March 20th
- Need WRTC volunteers to help frame issues and develop recommended COG actions (*Wastewater, Stormwater, Local governments, Utilities*)
 - *NOW: Need input on 2-Year Milestones*
 - Agree to have COG staff prepare draft letter from WRTC Chair to WQSC re: 2-Year milestones/TMDL disconnect