

CHESAPEAKE BAY REQUIREMENTS WHAT DO THEY MEAN FOR YOU?

“For the Chesapeake Bay,
2010 may go down in history
as the year everything changed.”

- Karl Blankenship, Bay Journal, January 2010

Chesapeake Bay Watershed

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- Six States and DC
- 64,000 Square Miles
- + 17 Million People
- Virginia = 2/3 of State



What's Driving the Bay Train?

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- Excess Pollutants
 - Nitrogen
 - Phosphorus
 - Sediment



- Land Use Changes
 - Population Growth
 - Forest Cover

History of Bay Actions

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- 1983 - First Chesapeake Bay Agreement
- 1999 - American Canoe Association lawsuit, Federal Consent Decree
- 2009 – President Obama’s Executive Order & Bay Executive Council 2-Year Milestones
- 2010 – Chesapeake Bay Pollution Diet issued
- 2025 – Bay Pollution Diet Implemented Fully

Presidential Chesapeake Bay Executive Order

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“Game Plan” for the Obama Administration

- Coordination/Integration of Federal Activities
- Federal land-use guidance/requirements
- Set Deadline of December 31, 2010 for Bay Clean-Up Plan (Total Maximum Daily Load or TMDL)
- Increased regulation and inspections for permitted facilities
- Sets the stage for future executive orders in other watersheds

Chesapeake Bay Total Maximum Daily Load (TMDL)

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- Pollution Diet for Bay
- Enacted by EPA December 31, 2010
- Requires action by everybody, everywhere, all the time
- Three Phases:
 - Phase 1 (2010): State Watershed Implementation Plans approved, TMDL issued
 - Phase 2 (2012): Local/Subwatershed Plans
 - 39 Smaller Watersheds in Va based on local plans
 - Phase 3 (2017- 2025): Re-Evaluation of TMDL limits, state plans

Virginia's TMDL Limits

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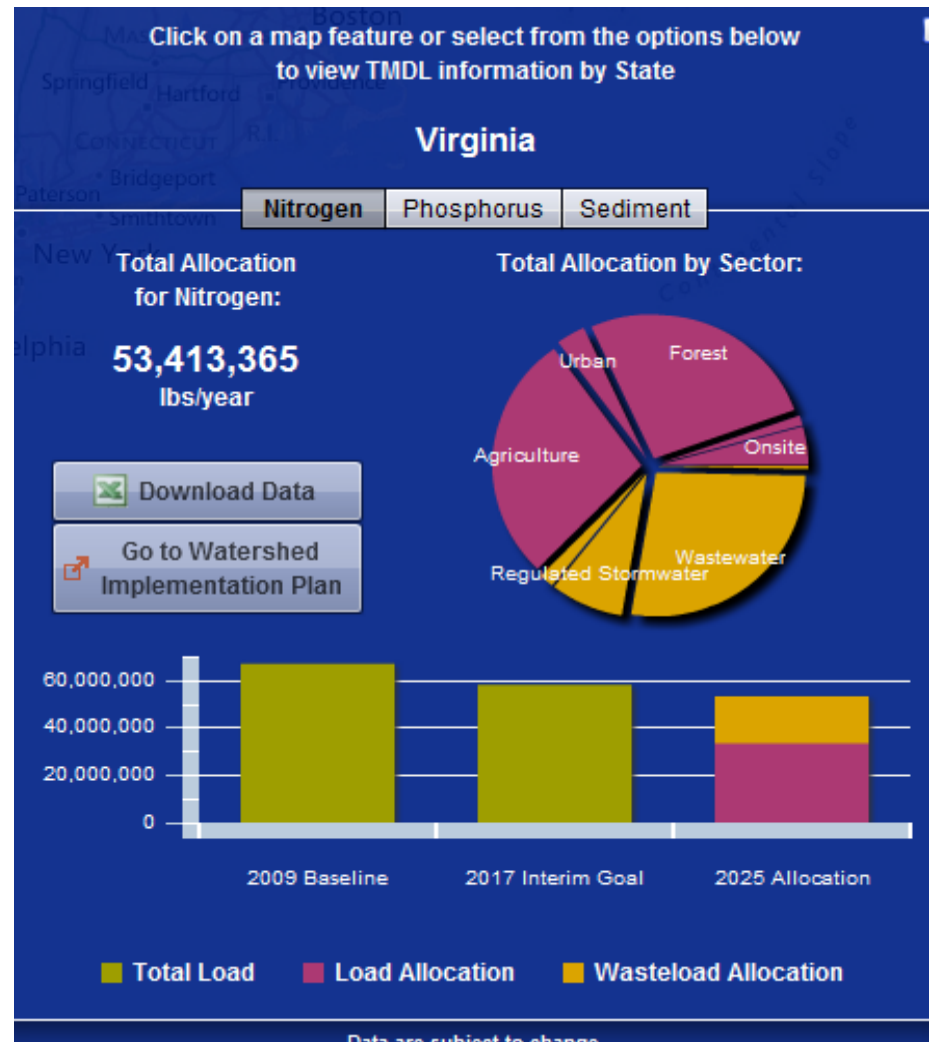
2025 Target Loads

Nitrogen: 53 million pounds/year

Phosphorus: 5.3 million pounds/year

Sediment: 2.5 billion pounds/year

*Source: Chesapeake Bay STAT



Phase I TMDL (Phase I Watershed Implementation Plan)

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- How will Virginia meet 65% of 2025 target load for each of the six major basins in the state by 2017?
 - Continued Point Source discharge upgrades
 - Urban stormwater controls and retrofits
 - Urban Turfgrass nutrient management and BMPs
 - Increased rates of Agriculture BMP Implementation through cost-share assistance and resource management plans
 - Increased rates of forestry bmp implementation
 - High levels of expectation for federal facilities
 - Nutrient trading and offsets

Phase II TMDL Plans (Phase II WIP)

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- Further refines Phase I Goals and Actions
 - ▣ Agriculture Resource Management Plans
 - ▣ Nutrient Trading Updates
 - ▣ New Urban Stormwater Management Regulations
- Includes ideas and potential solutions identified by local planning districts to meet TMDL Goals. Examples include:
 - ▣ Increased use and amount of Agriculture BMP Cost-Share Funds
 - ▣ Require certain levels of conservation to qualify for Land Use Taxation
 - ▣ Increased forestry BMP implementation, re-forestation goals and policies
 - ▣ Speed up implementation of Urban Nutrient Management on Golf, consumer lands, public lands, etc.
 - ▣ Reduce urban fertilizer use through education programs

Virginia's Specific Concerns

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- Cost of TMDL = Estimated \$15 billion for Virginia
- Unreasonable expectations and timeframes
- Regulatory approaches to achieve goals = economic civil war
- Ability to offset centuries of pollution and increasing population base in region
- Lack of accuracy in model data used to make decisions and set limits

What's Next?

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- Virginia Phase II TMDL Implementation Plan Public Comment- Through 5/31
- DCR Public Meetings- Through 5/31
- Finalize Phase II Plan- July 2012
- Updates/corrections to model data?
- 2017 re-writes and 2025 end-goal

Other Factors??

- Federal lawsuit, legislation, and funding
- State and Local pressures and mandates

Important Links and Further Information

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- DCR's Bay TMDL Website:

<http://www.dcr.virginia.gov/vabaytmdl/>

- EPA's Chesapeake Bay Stat:

<http://stat.chesapeakebay.net/>

- EPA's Bay TMDL Website:

<http://www.epa.gov/chesapeakebaytmdl/>