

VA Environmental Assembly
Saturday, September 27, 2008
Richmond, Virginia



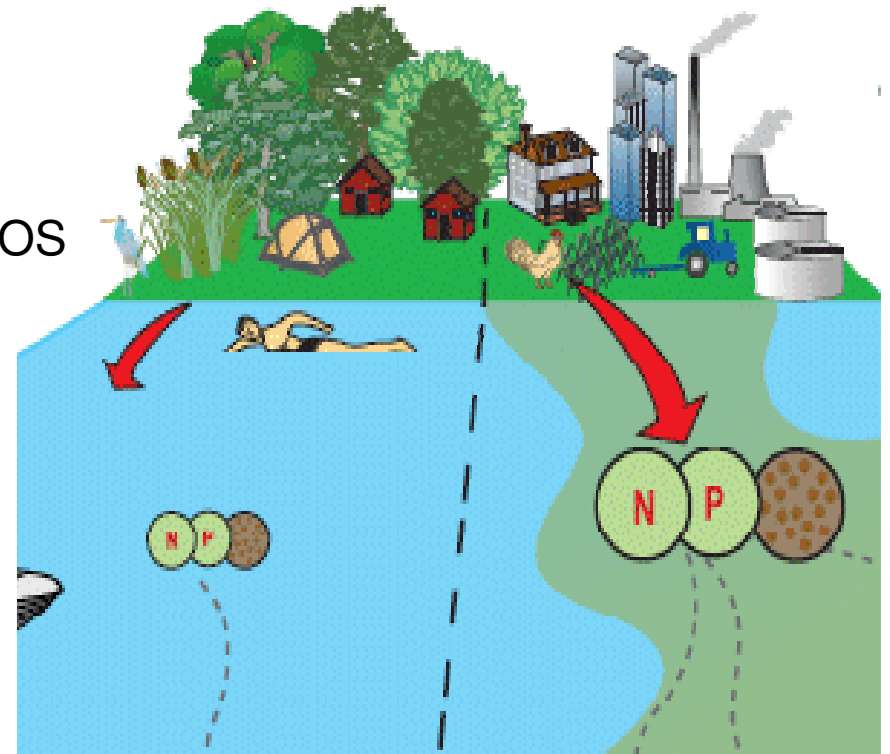
CHESAPEAKE BAY FOUNDATION
Save the Bay



What is a TMDL

The maximum quantity of a pollutant that may be added to a waterbody from ***all sources*** without exceeding the WQS

- $TMDL = WLA + PS + LA + NPS + MOS$





“Just Wait for the TMDL”

- A TMDL must not be used as a delay or stalling tactic
- Pollution reductions must not get shoved off into the future
- Must continue progress and uphold commitments made to date.
 - implement the tributary strategies
 - maintain load caps in each basin
 - require trading and offsets now



A TMDL alone will not be enough

- A TMDL is a document
- A TMDL Implementation Plan is a document
- Bay TMDL will only address nutrients
- Habitat and restoration
- Funding
- Program capacity
- Innovation



A TMDL alone will not be enough

- Regulatory Gaps
 - Municipal Stormwater :no measureable reductions required
 - 40,000 Gallon Loophole
 - Enforcement ?
 - Monitoring?
 - Air – Water connection in permitting
 - Mobile versus stationary sources



A TMDL alone will not be enough

- Economic Incentives
- Competitive Advantage; Lower Costs
- Water Re-use Applications
- Nutrient Trading



TMDL: Is it Enforceable?

- VA CODE SECTION 62.1-44.19:7 : The Board shall develop *and implement* a plan to achieve fully supporting status for impaired waters
- 9th Circuit Rulings:
 - *Pronsolino v. Nastri* (2002)
 - *Friends of Pinto Creek v. EPA* (2007)

Source:
http://www.chesapeakelifemag.com/images/features/out_1.jpg





Will it work?

- Reasonable Assurances
- Margin of Safety
- 1-2 % Additions
- WLAs by source
- Enforcement

Source: http://ecx.images-amazon.com/images/I/51Vk4x-39BL._SL500_AA240_.jpg

