



# **A New Era for Chesapeake Bay (finally? really?)**

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# Bay Clean-Up Quadfecta

- Chesapeake Bay TMDL
- 2-Yr Milestones
- Presidential E.O.
- CWA Reauthorization

# **Agreement on 3 Points**

- 1. The Bay is polluted**
- 2. It needs to be restored**
- 3. It's not going to be easy**



**a fourth...**

**4. This is not new stuff**



# None of This is All That New

- We've been at this a while
- We've had a pretty good idea of what needs to be done – “Trib Strat Effort”
- We've developed clean-up plans before
- We've developed many TMDLs
- Many of the partners have been at the table awhile

# déjà vu All Over Again

## Series of Bay Agreements

- **1983** (1 page)
  - There's a Problem – Work Together
- **1987** (7 pages)
  - 40% Reduction in Nutrients
- **1992** (back to 3 pages)
  - Work Upstream
  - Develop Tributary Strategies
- **1999** Consent Decree – TMDLs
- **2000** (up to 13 pages & 100+ commitments)
  - Beyond 40% - Delist the Bay and Rivers
- **2005** Tributary Strategies
- And Now – Bay TMDL

## CHAPTER 519

An Act to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 4.1, consisting of sections numbered [62.1-44.19:4](#) through [62.1-44.19:8](#), relating to the *Water Quality Monitoring, Information and Restoration Act*. [S 1122]

Approved March 18, 1997

§ [62.1-44.19:7](#). *Plans to address impaired waters.*

- A. The Board shall develop and **implement** a plan to achieve fully supporting status for impaired waters, except when the impairment is established as naturally occurring. The plan shall include the date of **expected achievement of water quality objectives, measurable goals, the corrective actions necessary**, and the associated costs, benefits, and environmental impact of addressing impairment and the expeditious development and **implementation of total maximum daily loads** when appropriate and as required pursuant to subsection C.
- C. ...The Board shall develop and **implement** pursuant to a schedule **total maximum daily loads** of pollutants that may enter the water for each impaired water body as required by the Clean Water Act.



**CHAPTER 3.7.  
CHESAPEAKE BAY AND VIRGINIA WATERS CLEAN-  
UP AND OVERSIGHT ACT.**

§ [62.1-44.117](#). *Development of an impaired waters clean-up plan; strategies; objectives.*

*A. The Secretary of Natural Resources shall **develop a plan** for the cleanup of the Chesapeake Bay and Virginia's waters designated as impaired by the U.S. Environmental Protection Agency. The plan shall be revised and amended as needed to reflect changes in **strategies, timetables, and milestones**.*

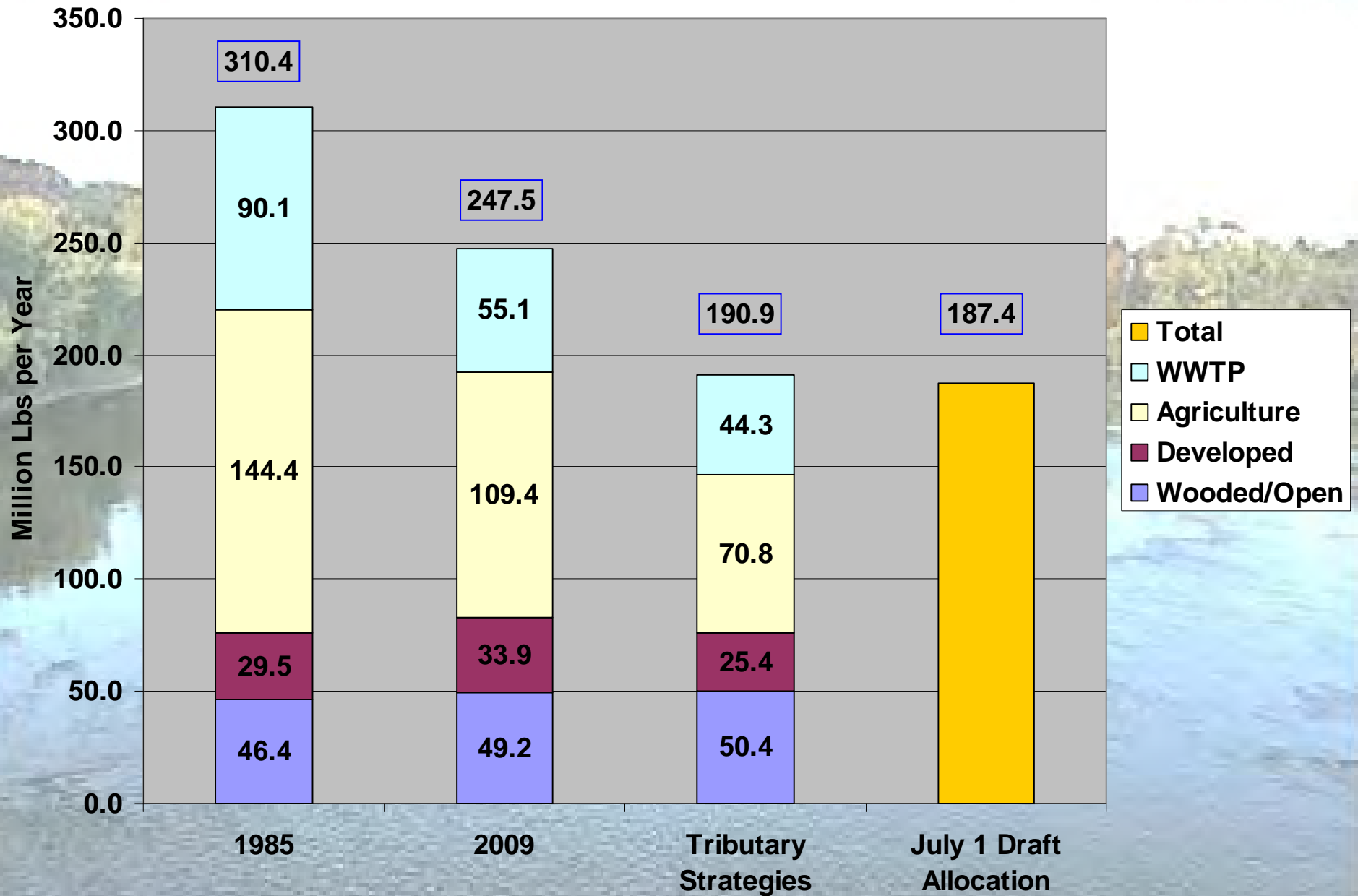
# **CHESAPEAKE BAY AND VIRGINIA WATERS CLEAN-UP AND OVERSIGHT ACT**

*Continued...*

***B. The plan shall address both point and nonpoint sources of pollution and shall include, but not be limited to the following:***

- 1. Measurable and attainable objectives;***
- 2. A description of the strategies to be implemented;***
- 3. Time frames or phasing to accomplish plan objectives and the expected dates of completion;***
- 4. A clearly defined, prioritized, and sufficiently funded program of work within the plan both for point and nonpoint source clean-up projects;***
- 5. A disbursement projection plan;***
- 6. Potential problem areas where delays in the implementation of the plan may occur;***
- 7. A risk mitigation strategy;***
- 8. A description of the extent of coordination between state and local governments;***
- 9. Assessments of alternative funding mechanisms***

Nitrogen Loads by Sector and Scenario - CBP Watershed Model p5.3



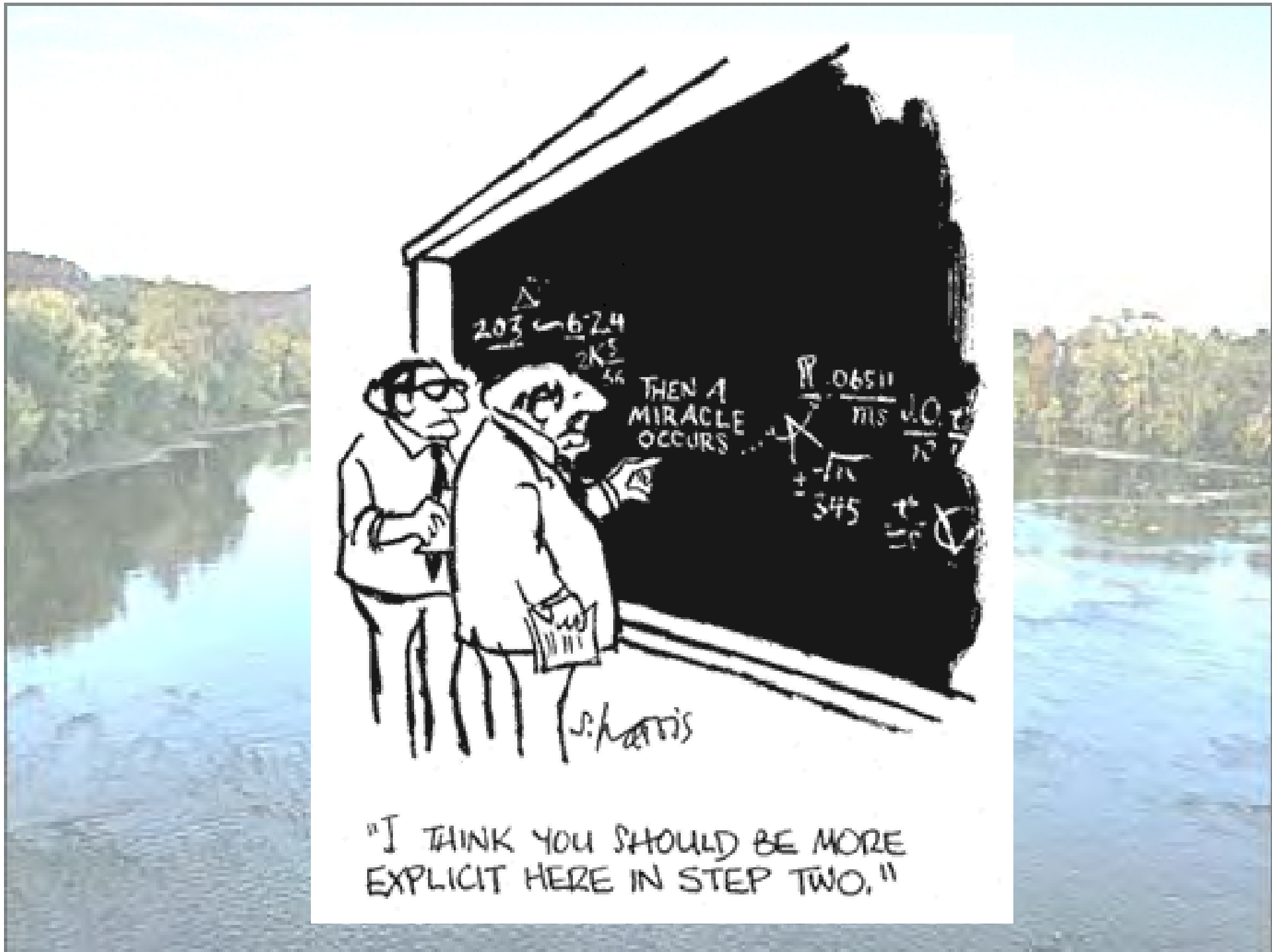
# Watershed Implementation Plans

~Expectations~

**Similar to HB1150 and WQMIRA**

1. **Interim and Final Nutrient and Sediment Target Loads**
2. **Current Loading Baseline and Program Capacity**
3. **Gap Analysis**
4. **Commitment and Strategy to Fill Gaps**
5. **Account for growth**
6. **Tracking and Reporting Protocols**
7. **Contingencies for Slow/Incomplete Implementation**
8. **Appendix with Detailed Targets and Schedule**

**60% by 2017!!**



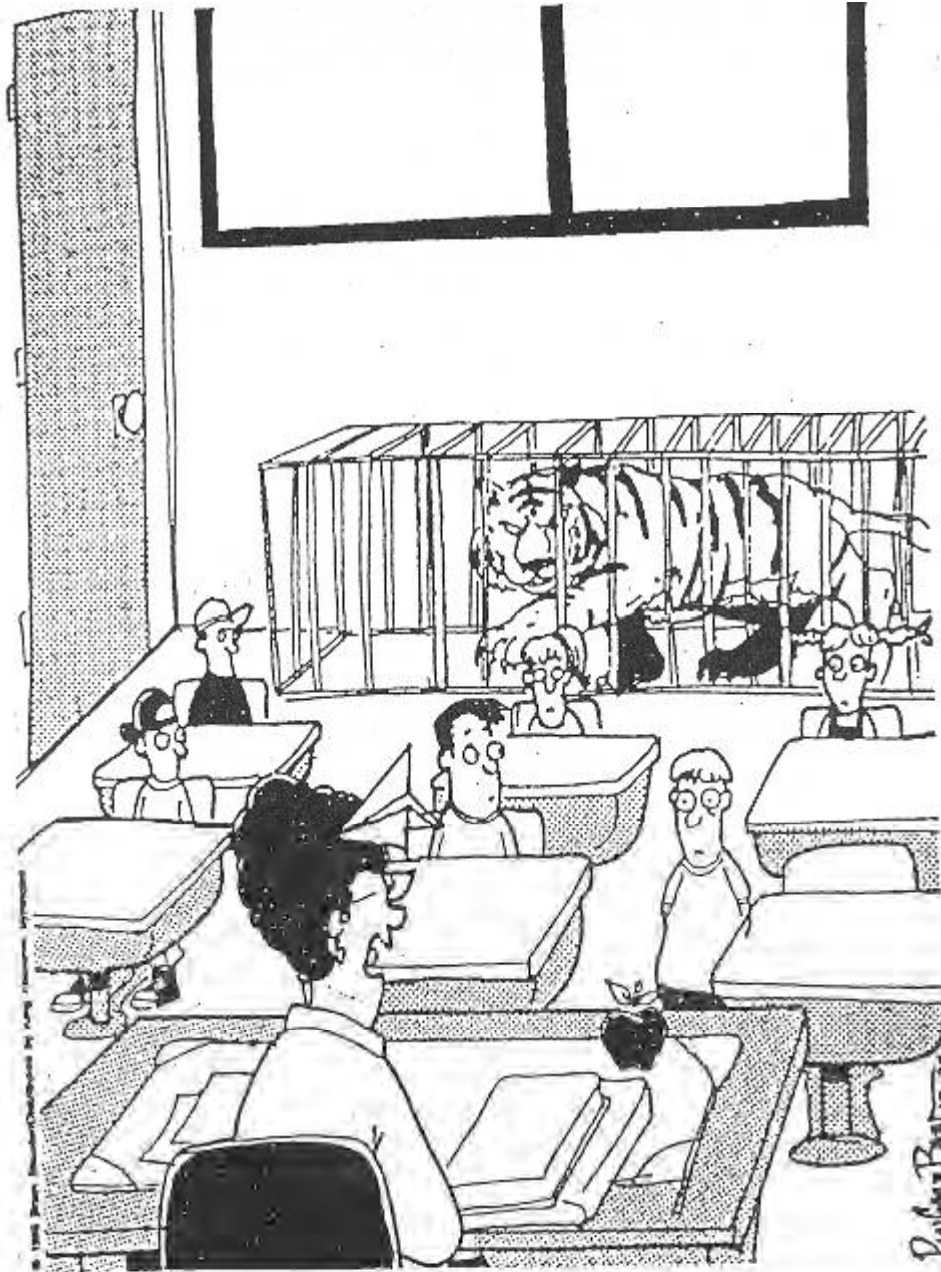
"I THINK YOU SHOULD BE MORE EXPLICIT HERE IN STEP TWO."

# So How is the TMDL Different?

- Accountability
- Assurance
- Step-wise progress
- Transparency
- Backstop Actions
- New Clean-Up Date

No Later Than 2025

**It's a new day  
for restoring  
local streams,  
rivers and the  
Chesapeake  
Bay**

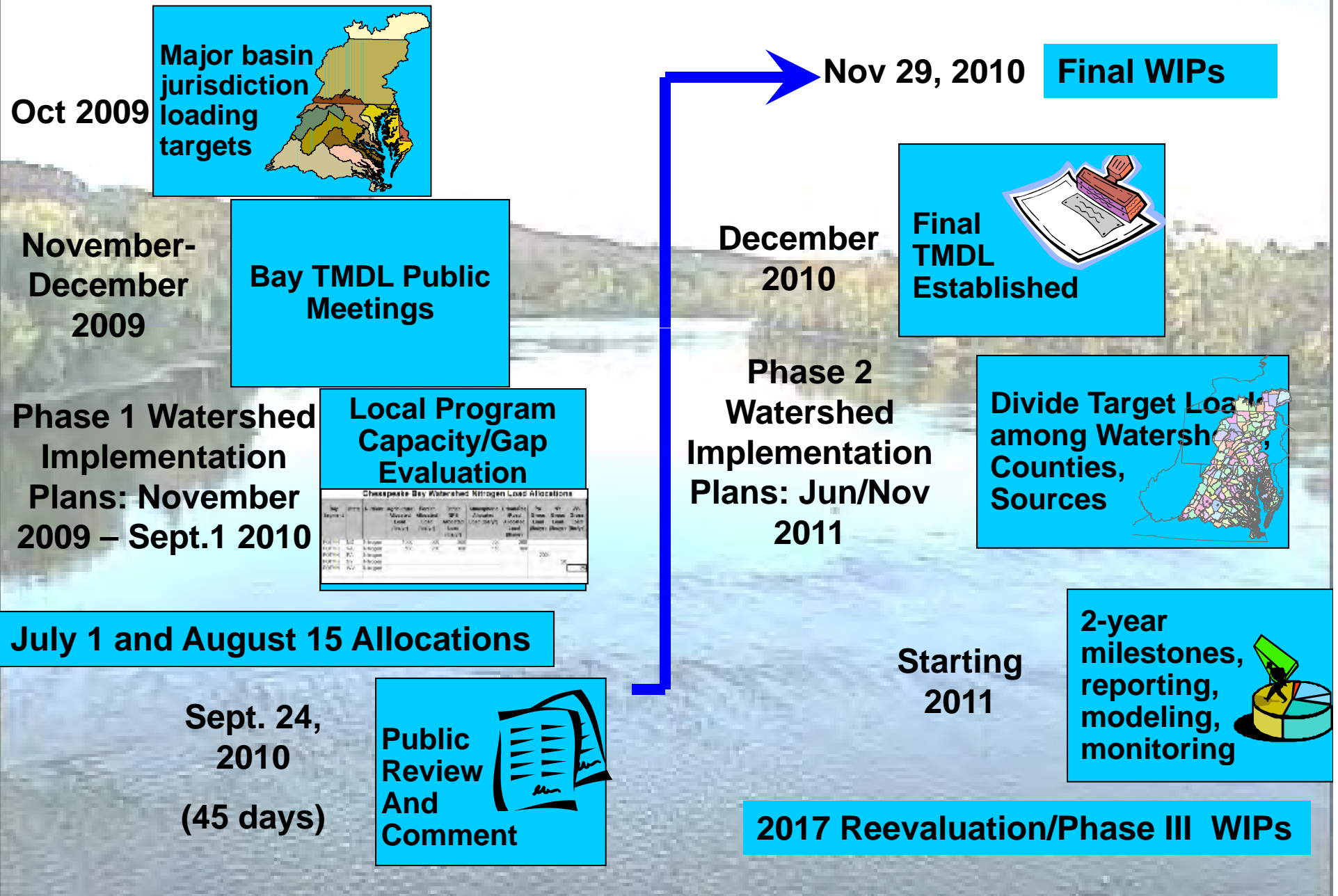


**"Well, Timmy, it looks like you've just earned yourself  
10 minutes in the cage with Mr. Whiskers."**

# **Federal Backstop Actions Include...**

- **Expand NPDES permit coverage to unregulated sources**
- **Increase permit oversight/object to permits**
- **Require net improvement offsets**
- **Establish finer scale allocations**
- **Require additional reductions from regulated point sources (e.g., wastewater treatment plants)**
- **Increased federal enforcement**
- **Condition or redirect federal grants**
- **Promulgation of local nutrient standards**

# Bay TMDL and WIP Schedule: 2009-2017



# Get Involved

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

**Public Comment** – Sept. 24 for 45 days

**Public Meetings** – EPA and State

- **October 4** – 6:00 Harrisonburg, VA
- **October 5** - 6:00 Annandale VA
- **October 6** - 6:00 Richmond, VA
- **October 7**, – webinar 1:00 to 3:00
- **October 7** - 6:00 Hampton, VA

# To Do List

- **Hold EPA Accountable**
- **Hold Virginia Accountable**
- **Hold Yourselves Accountable**

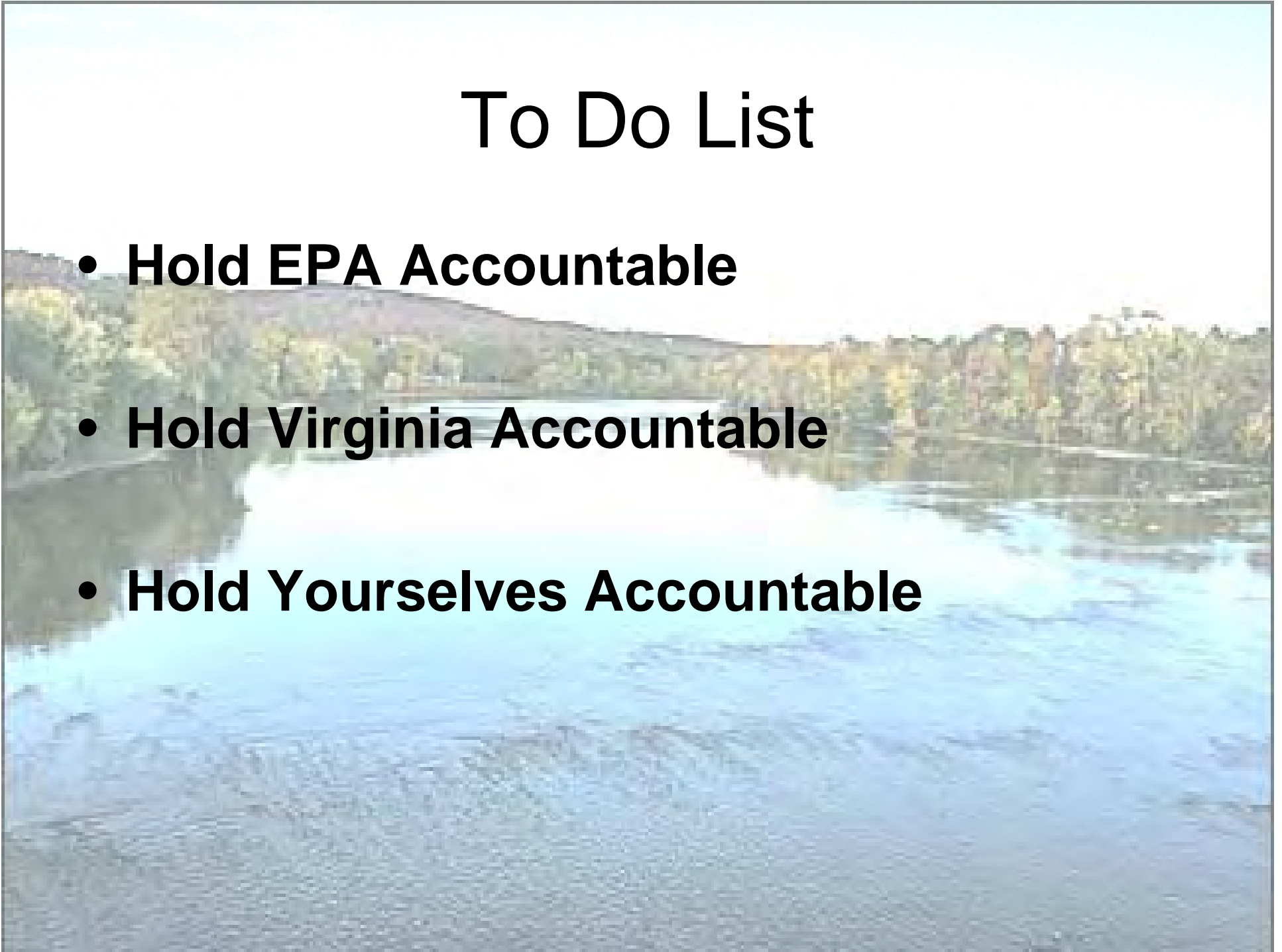




Image courtesy Guy Stephens