

Healthy Rivers



Virginia Conservation Network

The Voice of Conservation...

“Everything from property values to the willingness of business to locate in a particular community is positively affected by clean local water. It is always necessary to support and protect the resources we have, and even more so in difficult economic times.”

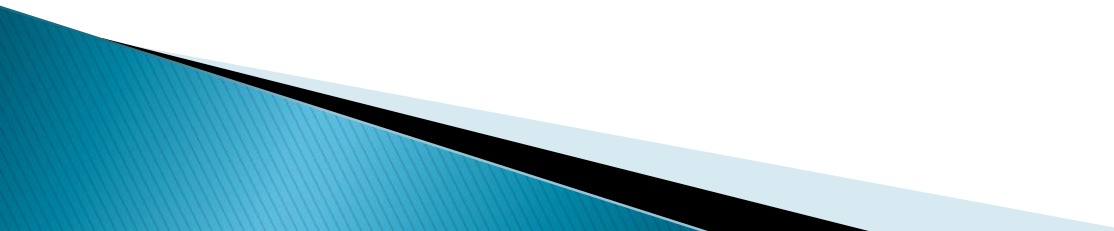
Jim Dillard (WaPo July 8, 2011)

- ▶ *He served in the Virginia House of Delegates 1972–1977 and 1980– 2005. He chaired the House Appropriations Natural Resources Subcommittee and chaired the House Education Committee.*

The Clean Water Act

»» A Brief History in Virginia

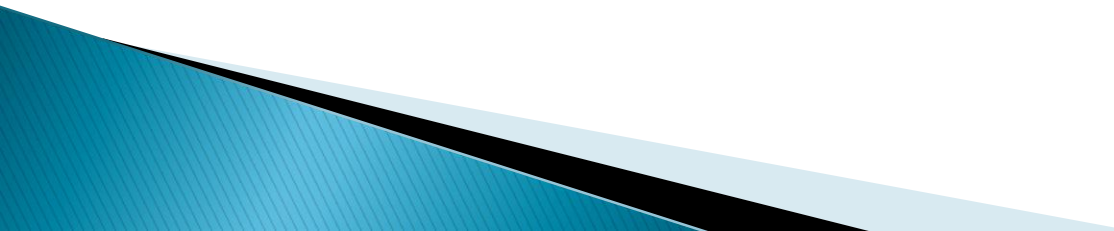
The Beginning – 1972

- ▶ In 1972, the U.S. Congress passed the Clean Water Act (officially the “Federal Water Pollution Control Amendments of 1972”)
 - ▶ Established state administered permitting programs
 - ▶ Attaining water quality standards, set by the states
 - ▶ “Best Available Technology”
 - ▶ Goal “Fishable and Swimmable” by 1983
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The 80s and Polluted Runoff

- ▶ Congressionally-commission report titled *Chesapeake Bay: A Framework for Action*.
- ▶ The Chesapeake Bay Agreement of 1983 Establishing the state-federal Chesapeake Bay Program.
- ▶ 1987 amendments to CWA: expanded to included stormwater
- ▶ *1987 Chesapeake Bay Agreement*: specific goals/commitments to reduce nutrient pollution by 40% by 2000

Falling Short Again

- ▶ American Canoe Association and American Littoral Society Lawsuit
 - ▶ EPA compelled to intervene
 - ▶ Impaired-waters list developed aka 303(d) list
 - ▶ Total Maximum Daily Load (TMDL) for the impaired rivers by May 1, 2010.
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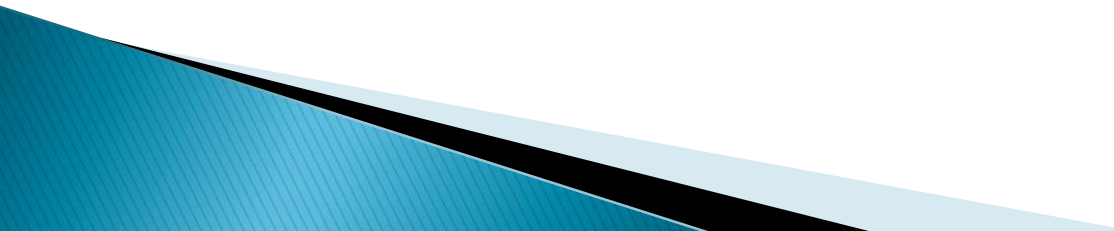
TMDL and WIP Basics

- ▶ CWA established the TMDL: States determine how much pollution a stream or river can safely tolerate.
 - Science-based “maximum loads”
 - Adjust permits accordingly
 - Communities can develop plans to address non-permitted runoff pollution.
- ▶ These Watershed Implementation Plans (WIPs)
 - Raise community awareness
 - Inform local land use and code enforcement
 - Help nonprofits and local governments attain funds for projects

Chesapeake Bay Restoration

»» TMDL, WIP, Milestones, et. al.

One Last Attempt before the TMDL

- ▶ The Chesapeake 2000 agreement
 - ▶ Virginia drafted Tributary Strategies
 - ▶ Significant progress was made in some areas
 - ▶ However, the amount of polluted runoff from developed land continued to increase
 - ▶ In 2007, the Governors acknowledged that the Chesapeake Bay would not meet clean water standards by 2010
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The Chesapeake Bay TMDL

- ▶ This community is much bigger than normal
- ▶ Chesapeake Bay Program was tasked with developing pollution limits for each river
- ▶ States develop companion WIPs.
- ▶ Virginia completed the first phase of its WIP in November of 2010.
 - Programmatic needs and strategies
 - e.g. Nutrient Credit Trade Expansion
- ▶ Phase 2 (WIP2) is due (to EPA) March 30th 2012

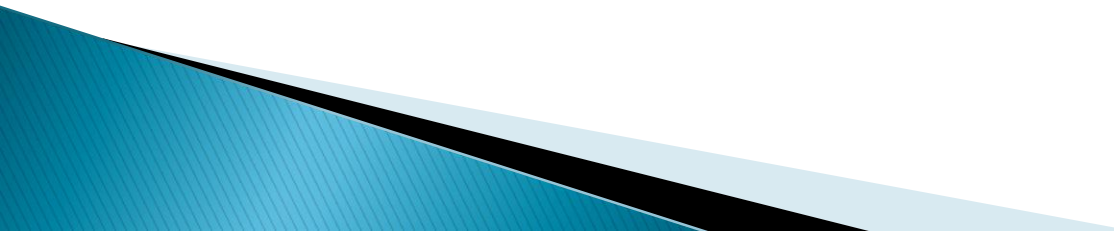
WIP 2

- ▶ Planning District Commission coordination
 - Soil and Water District Engagement
 - Locality engagement
- ▶ Asked to deliver 5 things
 - Land use
 - What conservation practices exist now
 - What practices could be installed to get to an “equal amount of effort”
 - Strategies
 - Needs
- ▶ Due (to DCR) February 1st, 2012

Restore and Protect

- ▶ Impaired waters: TMDL
 - deq.virginia.gov/tmdl/
- ▶ Healthy waters: INSTAR
(*INteractive Stream Assessment Resource*)
 - gis.vcu.edu/instar

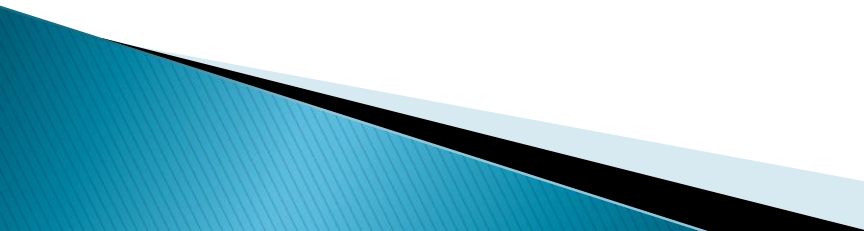
Affecting Change Locally

- ▶ Write an op-ed for your local paper
 - ▶ Send a letter to the editor of your local paper
 - ▶ Talk to your elected local elected official
 - Tell them that clean water is important to you
 - Tell them why
 - Ask them to use this opportunity to ensure clean water for your community
 - ▶ Talk to your neighbors
 - ▶ Volunteer
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Funding Clean Water

- » Helping protect and restore local water quality

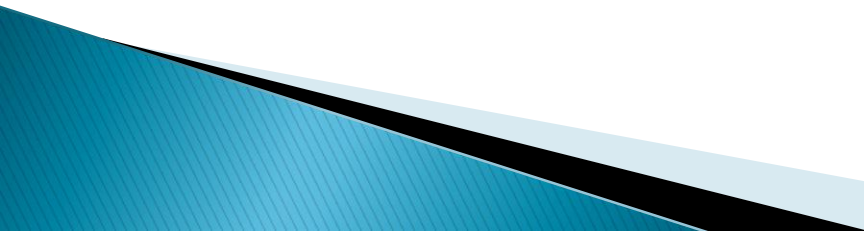
Recommendations

- ▶ Agricultural best management practices. Sufficient to meet the funds needed to pay for the practices Virginia has agreed to implement in its WIP (\$40 million in the Ches. Bay this year).
 - ▶ Providing \$10 million in financial assistance for local stormwater planning and pilot projects.
 - ▶ Assisting localities w/ wastewater treatment plant upgrades. \$300 million in bond authority
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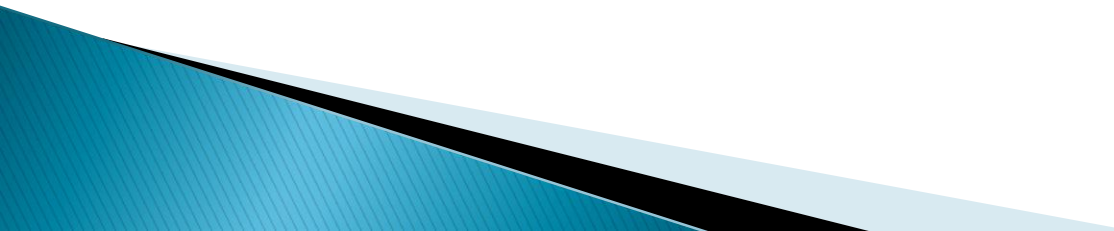
Agricultural BMPs

- »» The fuel for implementation of conservation practices

Virginia Farms

- ▶ Agriculture in the Bay watershed accounts for:
 - 45% of the nitrogen
 - 44% of phosphorus
 - 65% of the sediment
 - ▶ Of the total pollution load from agriculture to the Bay, Virginia supplies:
 - 20% of the nitrogen
 - 42% of phosphorus
 - 41% of the sediment
 - ▶ Virginia farm size is 171 acres
 - ▶ Average annual farm income is about \$61,000 per year.
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Potential Solutions

- ▶ Last year 10,000 BMPs prevented over 2 million pounds of nitrogen from polluting Virginia's waters.
 - ▶ WIP offers the road map
 - ▶ Resource management plans
 - ▶ Nutrient trading
 - ▶ Historically state cost-share programs have been funded only when there is a state budget surplus.
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Recommendations

- ▶ Agricultural best management practices Statewide:
 - \$67 million in state cost share funds for fiscal year 2013, and
 - \$71 million in fiscal year 2014.
- ▶ Adequate funding for technical assistance.

Nutrient Pollution Trading

»» Potential opportunities & risks

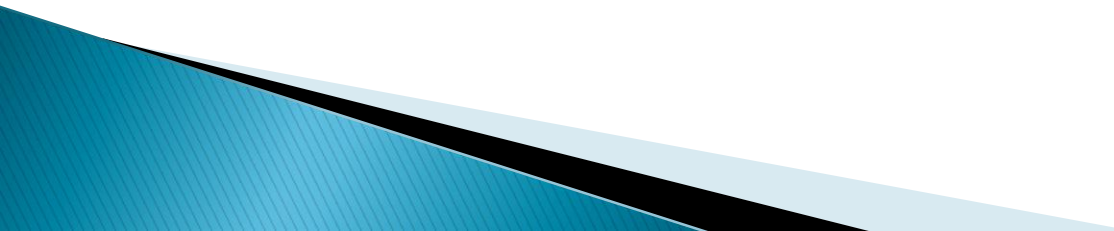
Nuts and Bolts

- ▶ “caps” are established as permanent pollution goals
- ▶ Players:
 - “buyers” need more to get to the cap
 - “sellers” have reduced below the cap
- ▶ Things to buy or sell:
 - “credits” help comply with a permit cap,
 - “offsets” compensate for new pollution that would exceed a cap

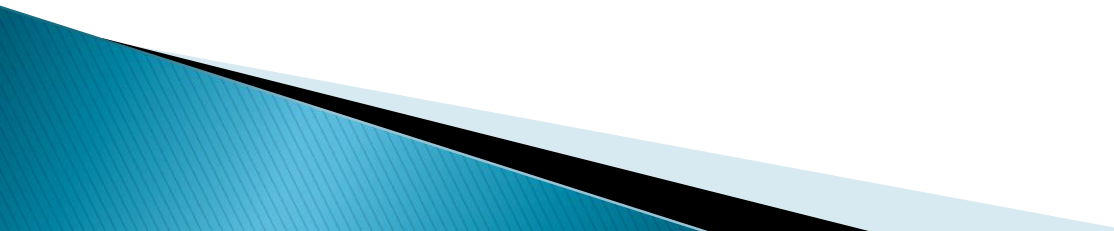
Currently in Virginia

- ▶ Chesapeake Bay Watershed Nutrient Credit Exchange Program (2005)
 - “Point to point” trading for existing facilities
 - “point to nonpoint” trading for new or expanding facilities
 - Aggregate caps by five large river basins in the Bay, not individual facility load caps
- ▶ Nonpoint Nutrient Offset Program (2009)
 - “no-net-increase in pollution” for new development
- ▶ WIP (2010)
 - Expansion study (2011)


Risks

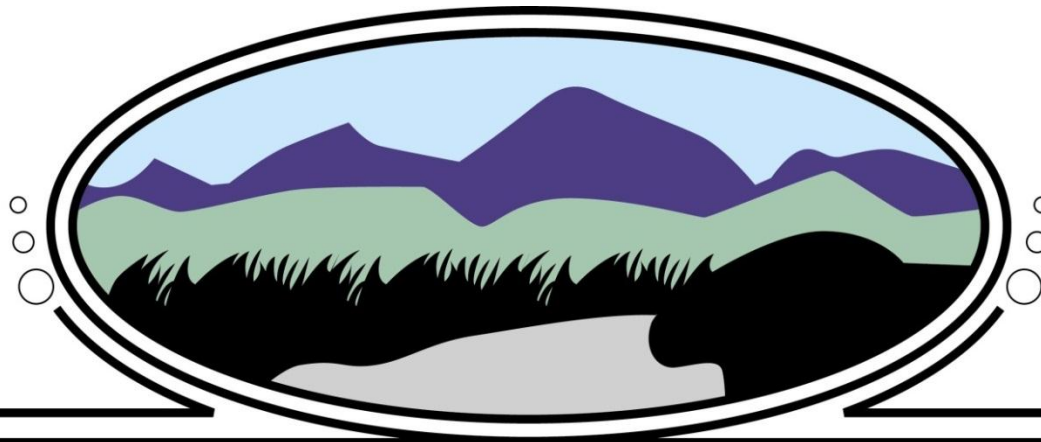
- ▶ Failure to meet its goal of assisting the Chesapeake Bay cleanup
 - ▶ Negatively impact local water quality
 - ▶ Run afoul of Clean Water Act programs that underlie all state water quality programs
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Recommendations

- ▶ Only credits or offsets that constitute quantifiable net pollution reductions may be traded
 - ▶ Protection of local water quality must be paramount
 - ▶ Point sources that choose to acquire nonpoint source offsets must acquire two pounds of nonpoint source reduction for every pound they are seeking to offset
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Recommendations

- ▶ All trades must be transparent to the public, subject to appropriate verification, and fully enforceable
 - ▶ All trades must comply with applicable federal Clean Water Act programs
 - ▶ Provide a reliable and transparent method for determining how new and emerging pollution reduction technologies are allowed to enter the trading marketplace.
 - ▶ Remove existing loopholes that prevent complete offset of new and expanding pollution loads
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