

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #17: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

SUBJECT:

The Environmental Protection Agency (EPA) will be releasing the Draft Chesapeake Bay TMDL for public comment on September 24, 2010. Comments will be due to EPA on November 8, 2010.

BACKGROUND:

The HRPDC and participating localities have been actively involved in the Chesapeake Bay Program, including development of the Chesapeake Bay Agreement 2000 (C2K) and the Tributary Strategies for the Bay and its Tributaries. The Chesapeake Bay Program has determined that that voluntary approach will not allow the Bay and its Tributaries to meet water quality standards by 2010. As a result, the EPA is developing a TMDL for the Bay that will mandate nitrogen, phosphorus, and sediment reductions throughout the Chesapeake Bay Watershed. The Chesapeake Bay Program has determined that the State developed Watershed Implementation Plans (WIPs) must be included in the draft TMDL. These plans were scheduled to be submitted to EPA on September 1, 2010. Virginia's submittal did not make the deadline.

The pollutant loading allocations developed by EPA and resulting pollutant reduction strategies developed by Virginia will result in permit limits for local government stormwater programs and wastewater treatment plants and additional state and federal regulations to control nitrogen, phosphorus, and sediment. These permit revisions and regulations may result in a significant cost increase for local government programs. Because of the far reaching implications of the TMDL and WIPs, it is important that these documents are based on sound science and represent actual conditions as accurately as possible.

The HRPDC Joint Environmental Committee reviewed the current status of this effort at its meeting September 2, 2010. HRPDC staff is working with the Committee in reviewing the TMDL and associated Watershed Improvement Plan and in developing technical comments. Preliminary concerns focus on inaccuracies in the EPA model, the application of the chlorophyll a criteria in the James River, the accelerated timeline, and the cost and feasibility of achieving these reductions in urban areas. It is anticipated that final technical comments will be presented to the Commission for consideration in October.

HRPDC Senior Water Resources Planner Jennifer Tribo will brief the Commission on this initiative and its implications for Hampton Roads.

RECOMMENDED ACTIONS:

Form a subcommittee to work with HRPDC and local government staff to develop HRPDC comments and recommendations to EPA outlining the Region's concerns with the TMDL.