



Chesapeake Bay TMDL Frequently Asked Questions

What is the Chesapeake Bay TMDL?

The Chesapeake Bay Total Maximum Daily Load (TMDL) is designed to ensure that all pollution control measures needed to restore the Bay and its tidal rivers are in place by 2025, with at least 60 percent of the actions completed by 2017. According to the US Environmental Protection Agency (EPA), despite extensive restoration efforts during the past 25 years, the TMDL was prompted by insufficient progress and continued poor water quality in the Chesapeake Bay and its tidal tributaries. The TMDL is required under the federal Clean Water Act and responds to consent decrees in Virginia and the District of Columbia from the late 1990s. Each of the six Chesapeake Bay states and the District of Columbia are required to develop a Watershed Implementation Plan (WIP) that details how and when it will meet the pollution allocations. EPA will assess state progress in meeting pollution goals at interim 2-year milestones.

How do the local TMDLs relate to the Chesapeake Bay TMDL?

The local TMDLs have been completed to address local water quality issues, while the Bay TMDL is being developed to address the larger Bay watershed. While some previously approved local TMDLs were based on reducing nutrients or sediment, most were written for other pollutants. In contrast, the Bay TMDL will be based on protecting the Chesapeake Bay and its tidal waters from excessive nitrogen, phosphorus and sediment. For waters with both local and Bay TMDLs for nitrogen, phosphorus, and sediment, the more stringent TMDL will apply. In waters within the Bay watershed where TMDLs have been developed for other pollutants, those TMDLs will remain active alongside the Bay TMDL to address the nitrogen, phosphorus and sediment impairments.

What information is DCR asking localities to provide?

- **Urban best management practice (BMP) data** - Revision of the current BMP inventory can impact the pollution reduction targets for the next progress run of the watershed model, which will likely occur in 2012
- **Land Use/Land Cover data** - Though not possible to include in the current watershed model, revised land use data can and will need to be incorporated into the revised model in 2017
- **2017/2025 BMP implementation scenarios** - Review of existing scenarios, and revision as needed, to reflect more appropriate local scenarios,
- **Strategies for BMP implementation**
- **Local resource needs for BMP implementation**
- **Local water quality efforts not currently credited in the watershed model**

Will there be any funds available for these tasks?

DCR is committing a component of the Chesapeake Bay funding the state receives from the federal program to this planning effort. Funding will be provided through the following channels:

- A limited RFP to localities and PDCs to cover the cost of Phase II planning efforts
- Technical planning assistance available through an EPA contractor
- Technical assistance being provided through the EPA Bay Program's Circuit Rider Program

What are the benefits to localities of acting?

The Phase II watershed implementation planning process is the first ostensive step in staving off potential federal actions and gives localities an opportunity to self-determine how BMP implementation scenarios are shaped to meet reduction goals in their jurisdiction. Local input in the WIP can drive future state policy, and the WIP may also influence future funding availability. For example, localities assisted with development of tributary strategies that resulted in hundreds of millions of dollars being made available for wastewater treatment plant upgrades and agricultural BMPs. It is likewise anticipated that localities that participate in the WIP will be in a better position to receive similar funding as it is made available.

What are the potential consequence of not acting (for local governments and the agricultural community)?

There are no direct consequences for localities that choose not to participate in the WIP process. EPA will be viewing the amount of local participation in the WIP Phase II process to gauge whether the state is committed to reaching the Chesapeake Bay TMDL goals. EPA has stated there will be consequences for Chesapeake Bay states that are not making adequate progress towards meeting Bay TMDL goals, and the impacts of these consequences may trickle down to localities; however EPA has not specified what the consequences will be. Examples include losing state authority over waste water treatment plant permitting, MS4 permitting, or stormwater program management, or the addition of federal rules regarding agricultural.

What can be expected of extremely rural localities with no growth? What benefit is there for a rural locality to participate?

A rural locality might rely more on the agricultural sector to help meet their local reduction goal. This may mean coordinating with the local soil and water conservation districts to determine potential strategies. A local government may also look at septic pump-out programs, enhancing their local erosion and sediment control and implementation of the new state stormwater regulations. While rural localities might be limited in what they feel they can do, failing to participate in developing local reduction strategies can have potential impacts. EPA backstops could have an impact on local farmers with animal operations. Rural localities with even small wastewater treatment facilities might face costly upgrades. Stricter requirements for construction projects needing coverage under the general construction stormwater permit might also be imposed.

Do local governments only get credit for BMPs installed after 2006 (i.e. after the last progress run)?

Yes, DCR is mainly looking for post-2006 BMPs, but improving the pre-2006 data improves future model outputs and may improve Virginia progress toward meeting targets.

If the local governments submit urban BMP data will their nutrient reduction targets be reduced accordingly?

When the Bay watershed model is run again, the impact of new BMPs submitted by a locality will be seen in the localities progress toward meeting pollution reduction goals. Reduction targets may be lower, but the pollution goal number will not change as a result of additional BMPs. The pollution goal is a function of land use.

Is it possible that localities will receive a higher pollution goal if a locality's on-the-ground urban BMP data shows less BMPs than DCR's estimated BMP data?

No the pollution goal will not change, but yes progress toward the goal could change.

When will the BMP data localities submit be input into the Bay model?

Data will be input into the model after the next progress run, for which the timeframe is unknown. A new progress run will not occur, until Virginia and EPA conclude negotiations over issues with the current model output.

When is DCR planning to send out new data and nutrient allocations?

The date of release is unknown, due to issues with the 2010 watershed model run. Local planning efforts prior to circulation of the new data will not be lost, and should make revising local strategies easier. The overall local targets may change, but all BMPs should not be affected.

