



Ramping up Regulation

(The Chesapeake Bay TMDL)

Chesapeake Bay Commission Meeting
May 8, 2009

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USEPA Region III

What is a Total Maximum Daily Load (TMDL)?

$$\begin{aligned} \text{TMDL} = & \text{Sum of Wasteload Allocations} \\ & \text{(Point Sources)} \\ & + \\ & \text{Sum of Load Allocations} \\ & \text{(Nonpoint Sources)} \\ & + \\ & \text{Margin of Safety} \end{aligned}$$

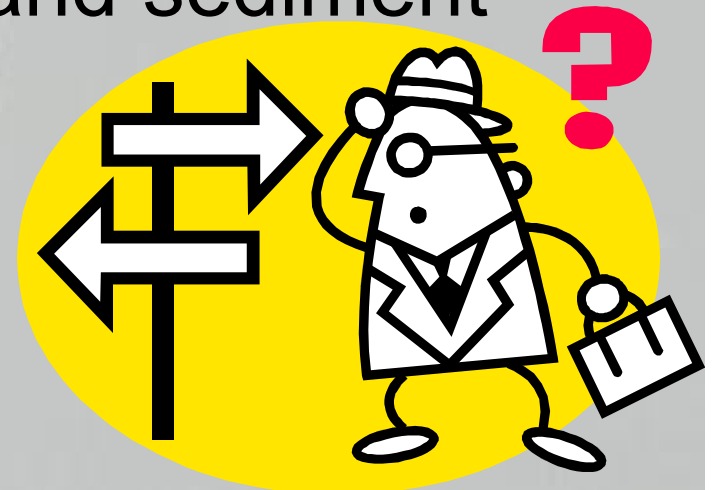
In other words... a pollution budget

TMDL Background

- Required by Section 303(d) of the Clean Water Act and EPA regulations
 - States list impaired waters on the §303(d) list
 - States/EPA develop pollution budget (TMDL) for listed pollutant that meets water quality standards
- Implementation (not part of the TMDL)
 - NPDES permits for point sources
 - Voluntary with Section 319 grant assistance for nonpoint sources

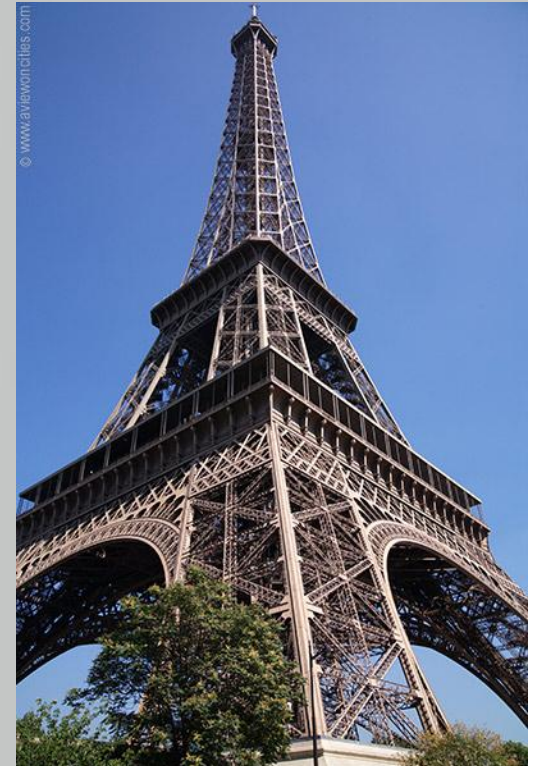
Myth

- The Chesapeake Bay TMDL will place regulatory controls on point and non-point sources to restore the Bay.
- The Bay TMDL will be another paper exercise resulting in limited implementation of nutrient and sediment controls.



Fact

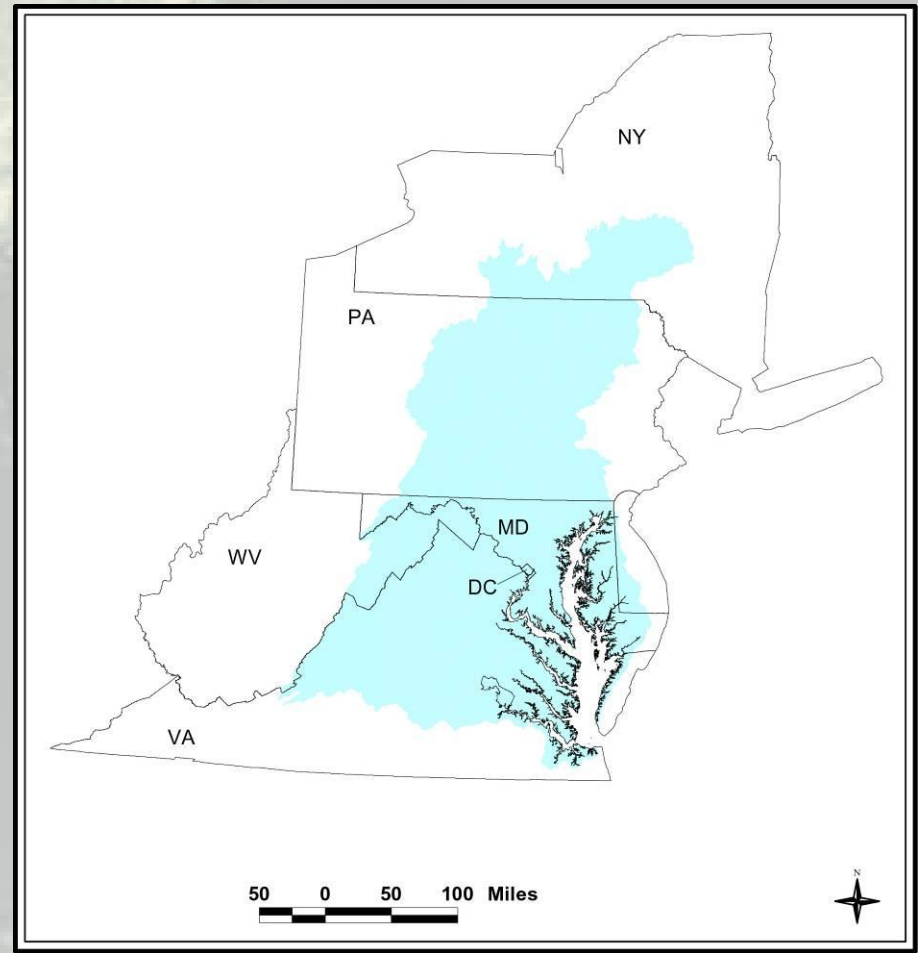
- The Chesapeake Bay TMDL will be unlike any other, being part of a comprehensive framework for implementation.



The basics...

Chesapeake Bay TMDL

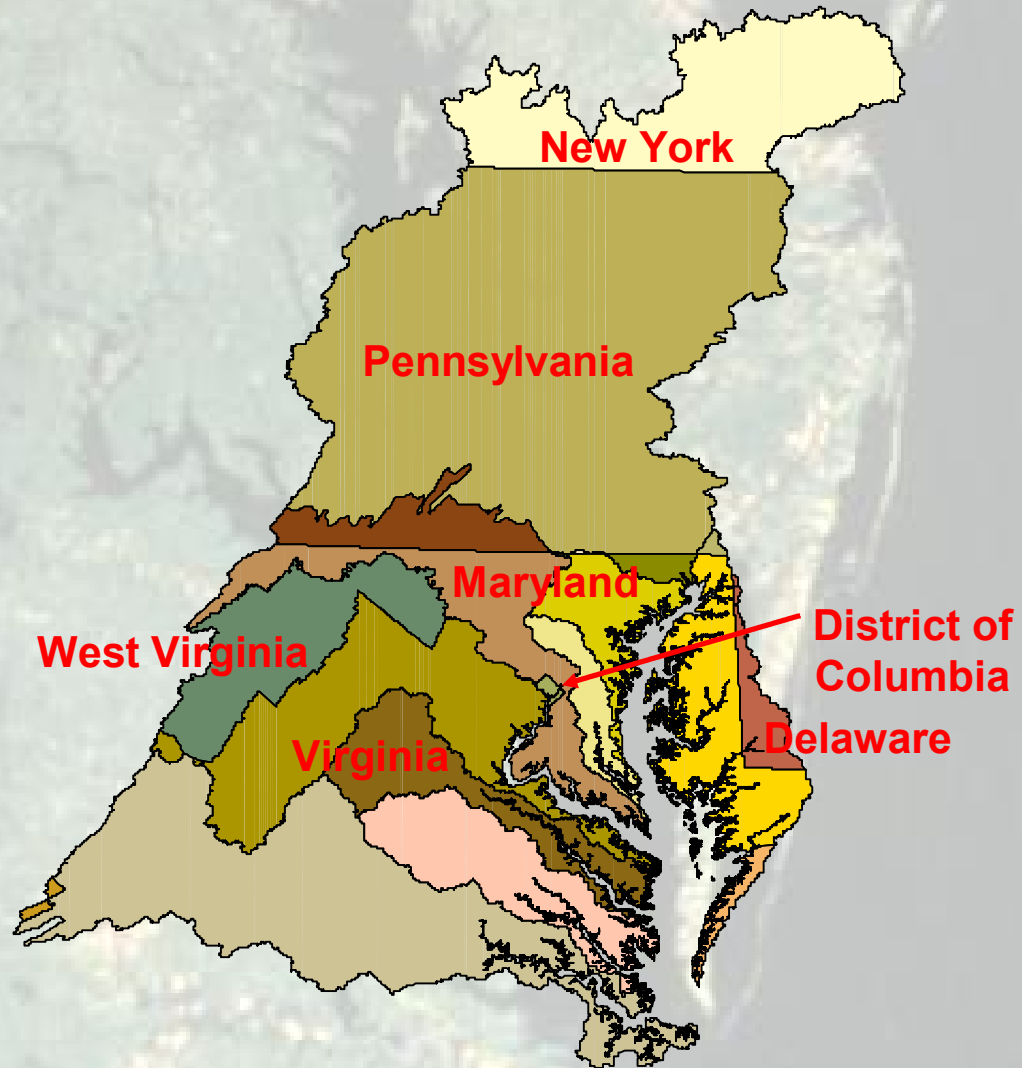
- Will establish a 'pollution budget' for N, P, and S
- Will establish loads for all Bay states
- Point source control thru NPDES
- Under the CWA, NPS implementation thru 319 funding



Who will develop the TMDL?

- EPA Region 3 WPD establishes Bay Watershed TMDLs
 - Watershed states provide input and support on the Bay TMDL
 - A Stakeholder committee under the CBP provides key input (WQSC)

Basin-jurisdiction Caps



Bay TMDL Schedule

Summer 2009

- Basin-jurisdiction Caps

June 2010

- Draft State Implementation Plans

June 2010

- Final Draft TMDL

December 2010

- Final TMDL Approved

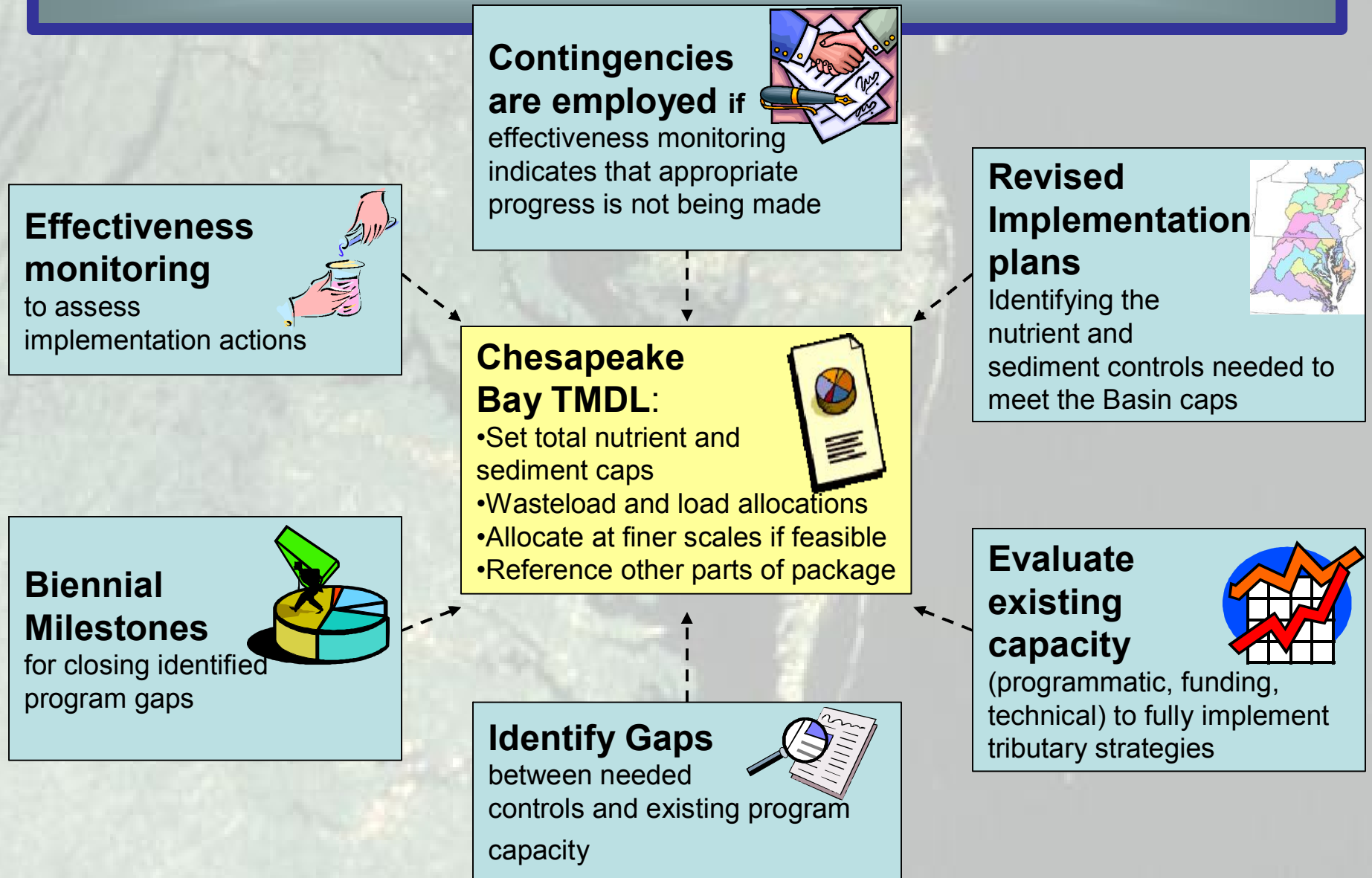
Summer 2009

- TMDL 101 public meetings

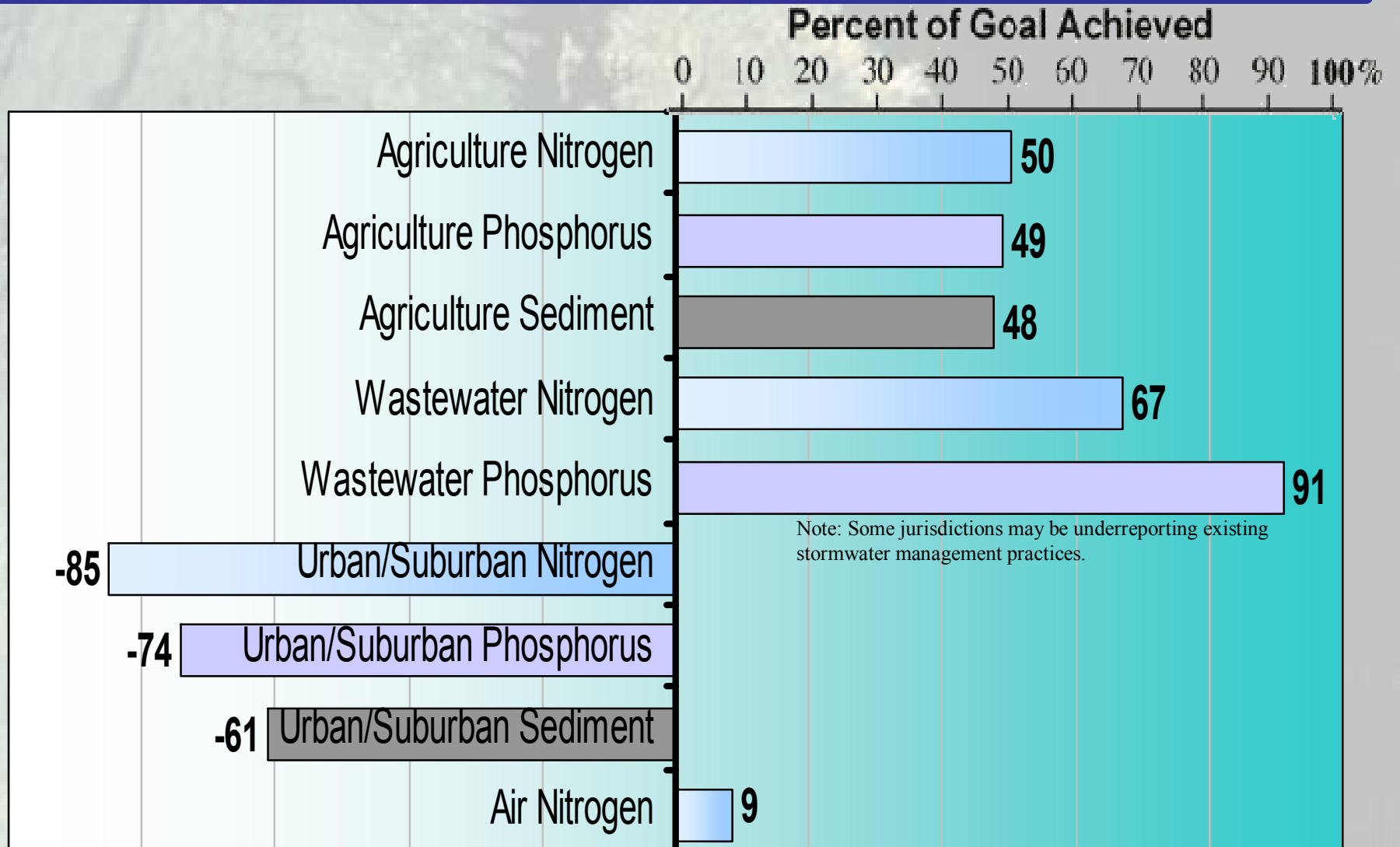
June – August 2010

- Public Comment Period for Final Draft TMDL (EPA)
- Potential State Meetings on Tributary Strategies

A TMDL is not enough!



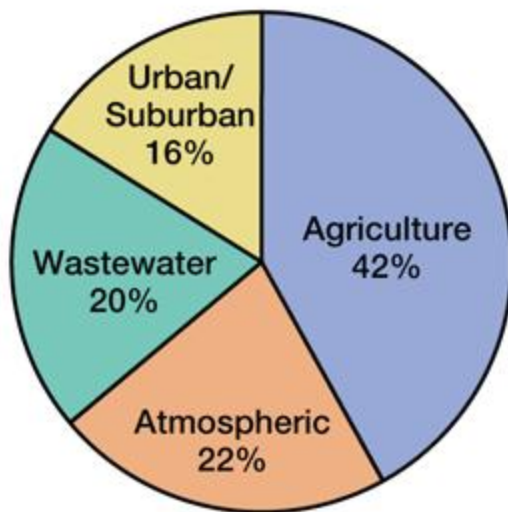
How are we doing?



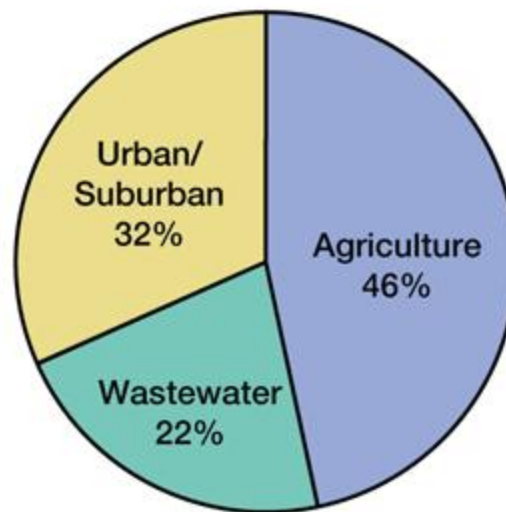
Data and Methods: www.chesapeakebay.net/status_reducingpollution.aspx

Pollutant Sources to the Bay

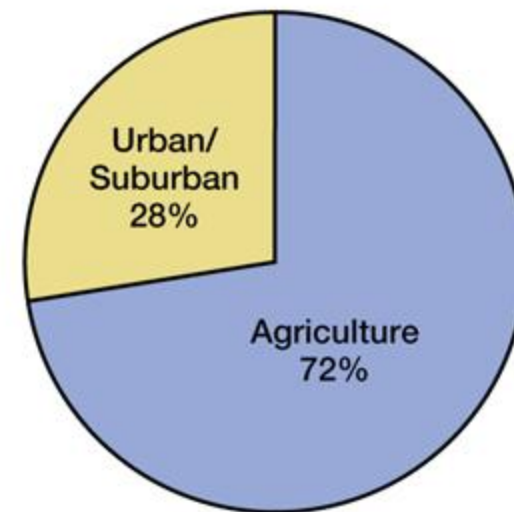
Nitrogen



Phosphorus



Sediment



Wastewater loads based on measured discharges; the rest are based on an average-hydrology year.
Does not include loads from direct deposition to tidal waters, tidal shoreline erosion or the ocean.
Data and Methods: www.chesapeakebay.net/status_reducingpollution.aspx

So how do we get to a restored bay?

- Need to develop the NPS toolbox of the future
- Smarter development
- Don't forget living resources
- Meaningful accountability
- Only limited by
 - Our will
 - Our tenacity
 - Our creativity



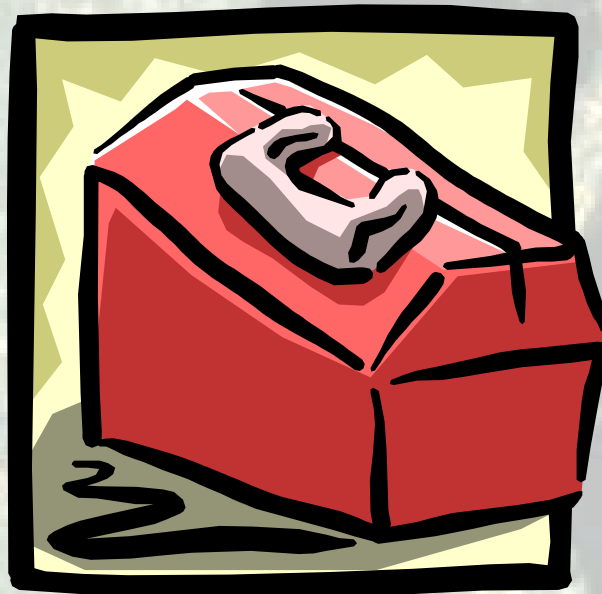
Building a bigger toolbox

Sources:

- Agriculture
- Air
- Developed and developing lands
- Wastewater

Tools:

- Public funding
- Cap and trade
- Tax incentives
- Marketing program
- Corporate Stewardship
- Regulation
- Other?



The big question....

• ...Who Pays?

- The landowner?
- The taxpayer?
- The consumer?
- The investor?

