

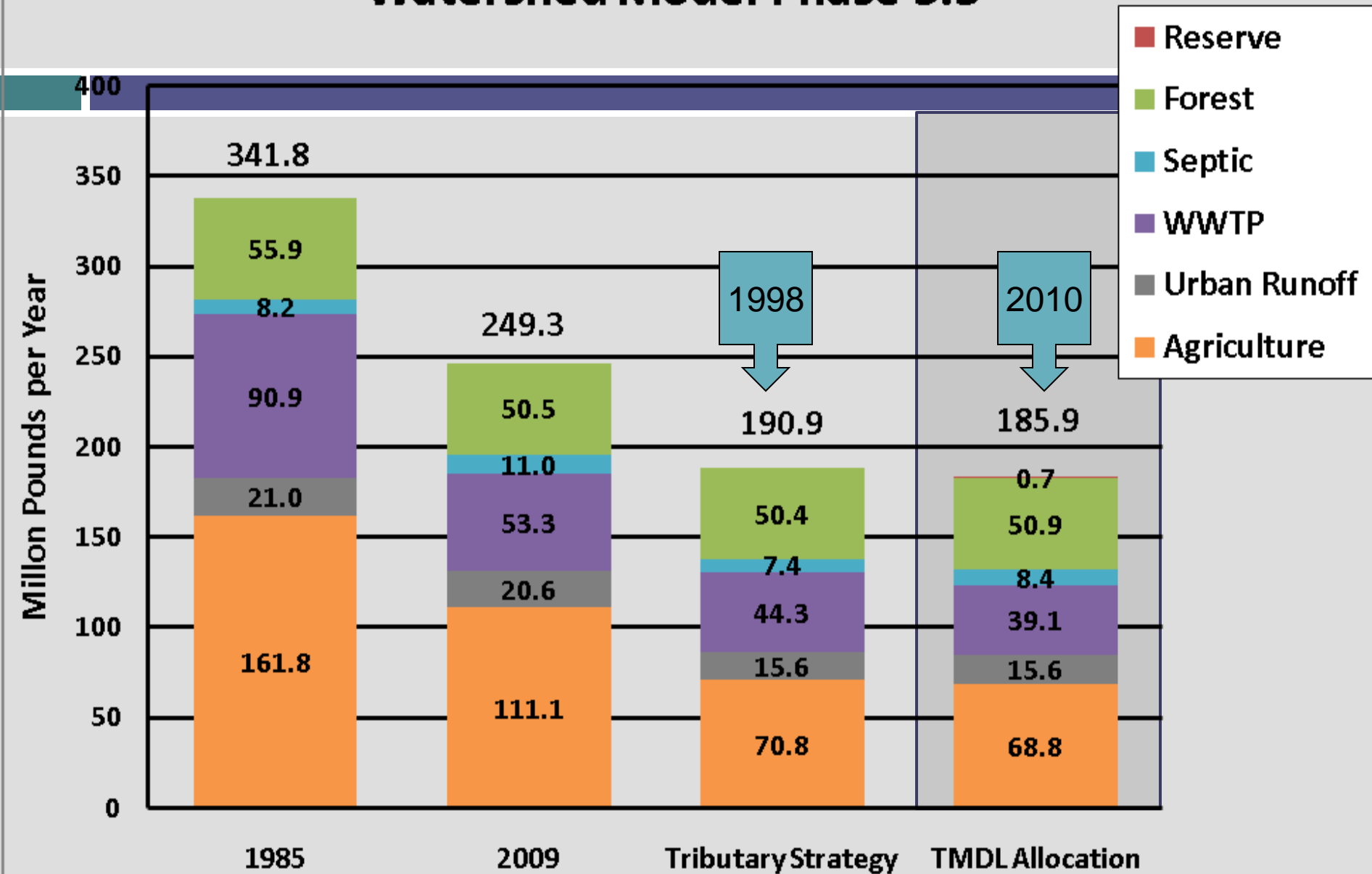


IMPLEMENTING THE TMDL

The Role of Verification

CBC Staff presentation
Chesapeake Bay Commission Meeting
January 3, 2012

Nitrogen Loads by Source Sector and Scenario - Watershed Model Phase 5.3



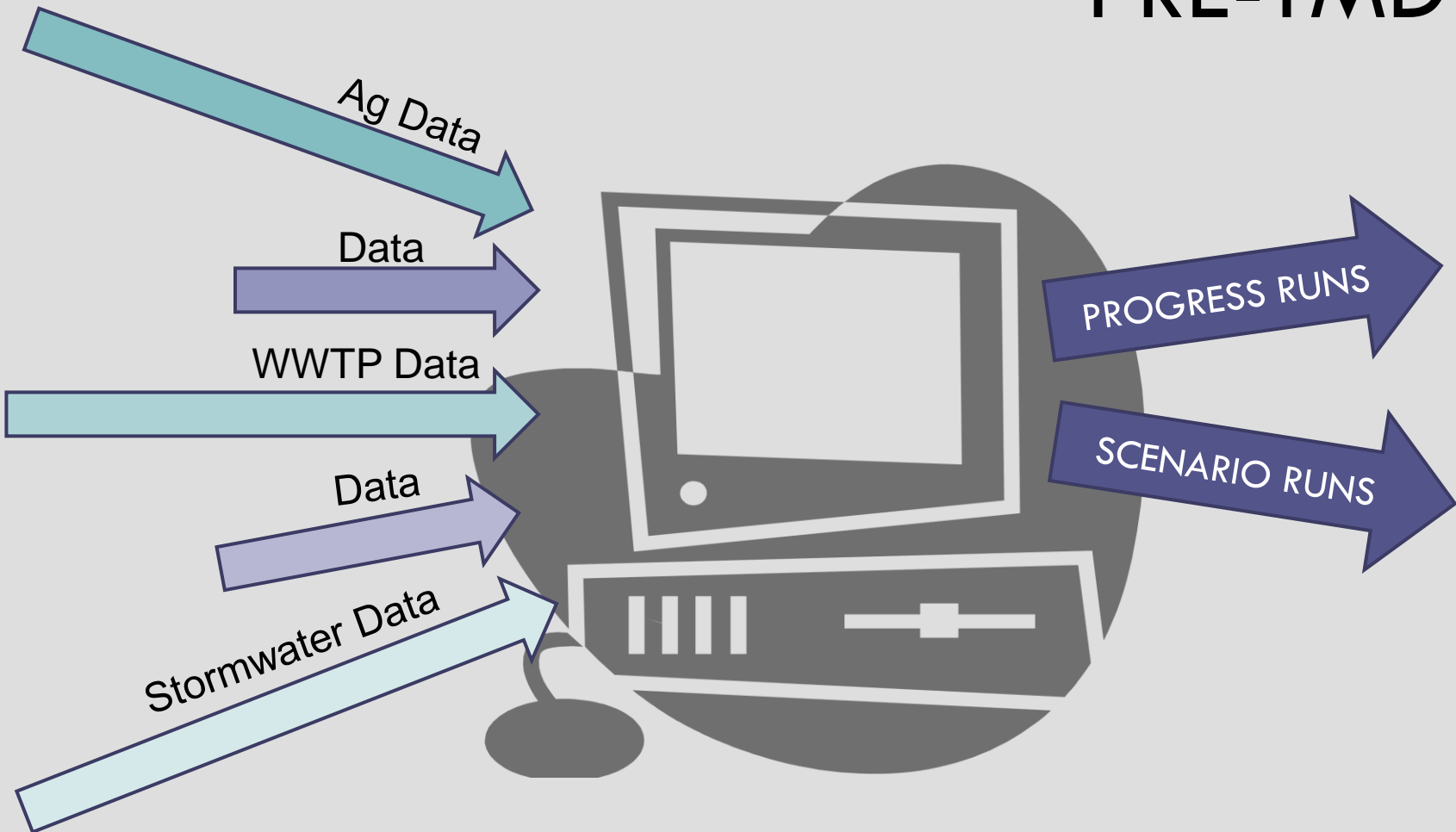
Clean Water Act

Game Changer

Reasonable Assurance (Section 7)

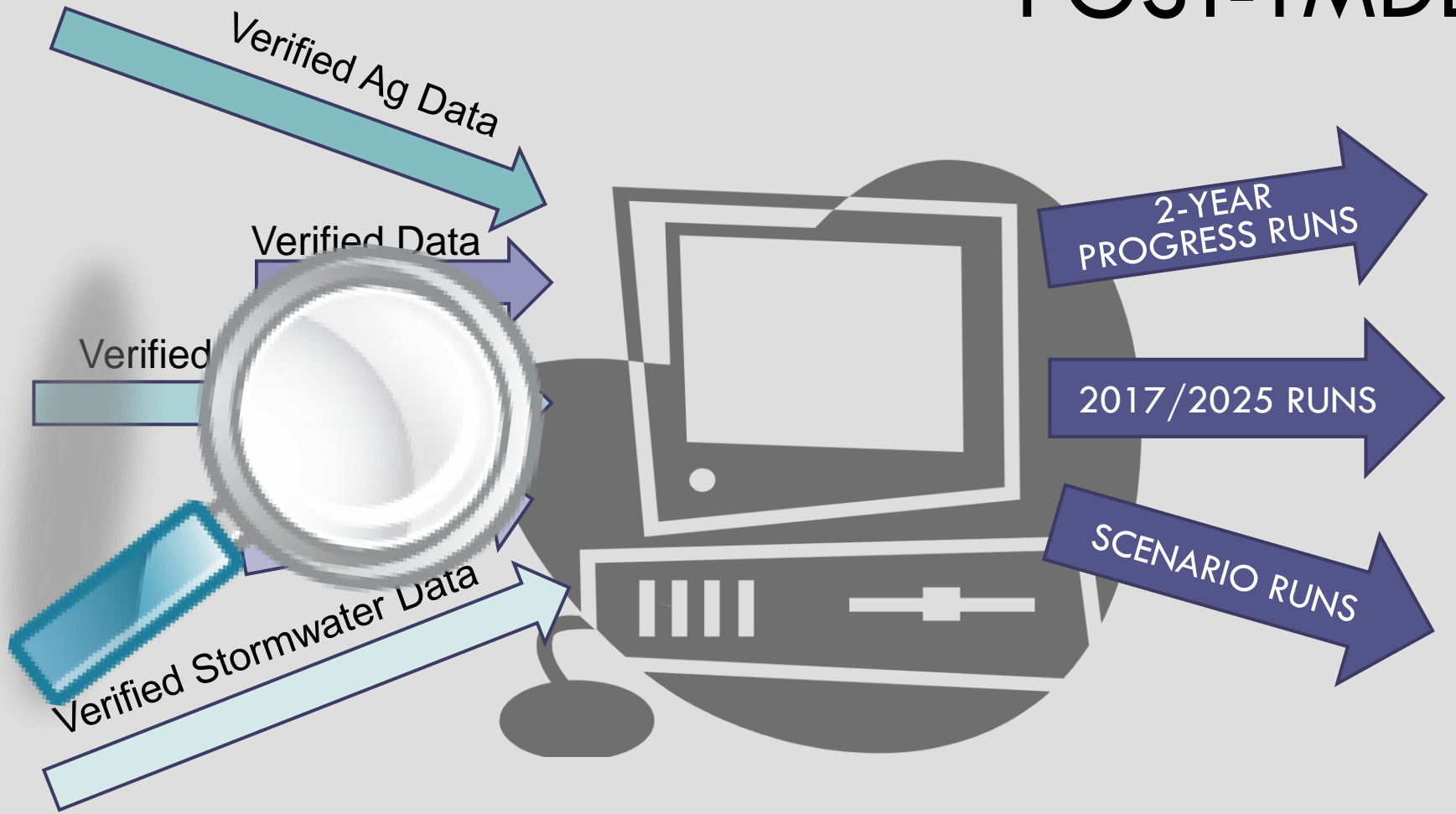
“When the EPA establishes a TMDL that allocates pollutant loads to both point and nonpoint sources, it determines whether there is **reasonable assurance** that the load allocations will be achieved and water quality standards will be attained. EPA does that to be sure that the sector allocations are not based on overly generous assumptions regarding the amount of **nonpoint source** pollutant reductions that will occur.”

PRE-TMDL



MODEL TRACKED VOLUNTARY GOALS

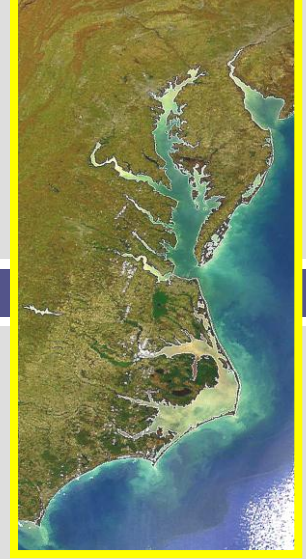
POST-TMDL



VERIFICATION PROVIDES REASONABLE ASSURANCE

Purpose of Verification

- Assurance that BMPs are planned and installed correctly
- BMPs meet some established standard and specification (federal, state , local)
- Eliminate double counting
- Assurance that BMPs are maintained and functioning over time
- Recommend corrective actions



Current Verification

Judged Insufficient

1. National Academy of Science Report
2. USDA CEAP Report

EPA is now working on developing verification guidance to the states.



Improvements In The Works



TOP CONCERNS:

- Level of certainty
- Transparency
- Equity among sectors
- Flexibility
- Double counting
- Accounting for expired practices

CONFIDENTIALITY



“Farm Bill”

Food Conservation and Energy Act of 2008, section 16 19

SEC. 1619. INFORMATION GATHERING

(2) PROHIBITION.—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, **shall not disclose**—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department;

or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

COSTS

Permits for point sources have built-in mechanisms that provide a high degree of assurance (required periodic monitoring and reporting backed by legally enforceable corrective measures and penalties).

Non-point sources, primarily Ag and unregulated urban, have none of these built in programmatic assurances. Balancing cost of verification with cost of implementation is a major issue.



CHESAPEAKE BAY REGULATORY AND ACCOUNTABILITY PROGRAM(CBRAP)

- Bay jurisdictions receive funding (chart below)
- Help jurisdictions develop WIPs, Milestones and additional regulatory and accountability programs with focus on regulations, permits, inspections, enforcement & reporting
- Signatory jurisdictions provide 50% cost-share match
- Headwater states provide 25% cost-share match

PRESIDENTIAL
EXECUTIVE ORDER
AND ANNUAL
ACTION PLAN

	2010	2011	2012	Total
DC	623,036	723,036	723,036	2,069,108
DE	729,090	820,465	820,465	2,370,020
MD	2,758,047	2,827,047	2,858,047	8,443,141
NY	1,007,223	1,007,224	1,007,224	3,021,671
PA	2,466,819	2,666,819	2,916,819	8,050,457
VA	2,552,098	2,552,098	2,552,098	7,656,294
WV	592,311	592,311	592,311	1,776,933
Total	10,728,624	11,189,000	11,470,000	



BAY PROGRAM PROCESS UNDERWAY

Crediting
Performance
over the life
of a practice.

Rich Batiuk

Chair, CBP Partnership's BMP
Verification Committee

Associate Director for Science
U.S. Environmental Protection Agency
Chesapeake Bay Program Office