

Update on Water Quality Issues

December 14, 2010

Stormwater Advisory Committee (SWAC):

To date, the SWAC has met 6 times and has developed recommendations for a preferred level of service for stormwater, stormwater priorities and a proposed funding mechanism. Their full recommendations will be presented to Council at the January 25, 2011 work session.

Draft Chesapeake Bay Total Maximum Daily Load (TMDL) - City's Comments to EPA:

On November 8, 2010, the City submitted comments to EPA addressing CSO, stormwater, and wastewater. Key points commented on by the City included:

- CSO loads should reflect City's CSO Long Term Control Plan (LTCP) and should account for weather variations. The Draft EPA TMDL is in conflict with EPA's CSO Control Policy.
- EPA's model is inconsistent and incorrect.
- EPA has failed to provide a reasonable review period for this TMDL (60 day period is minimum per Executive Order 12,866 and EPA's Public Involvement Policy yet only 45 days provided for this TMDL).
- Projected costs for urban stormwater controls will likely exceed those of the CSO and be on the order of \$700 to \$1,800 per household. Combined CSO and stormwater costs of this magnitude are unaffordable.
- The James River should be studied further and removed from the Bay TMDL due to its limited influence on Bay water quality.
- Allow expansion of the nutrient trading between pollutant sources (i.e. stormwater and wastewater) to provide greater flexibility and encourage more cost effective nutrient reduction.

Chesapeake Bay TMDL- Revised Virginia Watershed Implementation Plan (WIP):

The initial VA WIP was rejected by EPA. As a result, EPA implemented "backstops", which significantly impacted the stormwater and wastewater sectors. On November 29, 2010 Virginia submitted their revised WIP to EPA. Key elements of the revised WIP included:

Urban Stormwater:

- For development/redevelopment, the WIP proposes "no net increases", enforced via the new state stormwater regulations, which are due out in late 2011.
- For existing development, emphasis is on structural best management practices (BMPs) such as ponds and rain gardens, and non-structural BMPs such as nutrient management plans (NMPs), and sales restrictions on non-agricultural fertilizers (phosphorous ban, time of year restrictions, or slow release nitrogen).
- The revised WIP calls for a lower level of nutrient reduction. Reductions will be regulated and enforced through the City's MS4 permit and, if accepted by EPA, would be on the order of \$120M between now and 2025. EPA may not accept the revised WIP and require their "backstops", which have cost implications of \$260M to \$640M.

Wastewater:

- 2.6M lbs/yr of Nitrogen removal required in VA WIP for James River- Hampton Roads Sanitation District will make all of these reductions.
- James River chlorophyll-related reductions (3.3M lbs/yr) deferred until a standards/model review and update is completed over the next 5 years.
- Initially the only immediate impact of the WIP will be relatively minor operational and/or nutrient trading.
- Trading with stormwater is still an option at this time.

CSO:

The revised VA approach was consistent with EPA's CSO Control Policy and the City's LTCP, and accounts for weather variations. EPA has already indicated they will not accept the CSO portion of the revised WIP.