

COALITION OF HIGH GROWTH COMMUNITIES



Stormwater Management: New Chesapeake Bay Cleanup Obligations on Local Government

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Presentation Overview



- Recent History: Virginia's Current Plan
- Fast Forward: New Models / New Targets
- Coming Soon: Next Steps

Recent History:

EPA Bay Program (2000-03)



- In 2003, EPA/States agreed to cap the discharge of nutrients to Bay
 - 175 mlbs/yr Nitrogen
 - 12.8 mlbs/yr Phosphorus
- Caps allocated to each jurisdiction-basin
 - Ex: Virginia-Potomac has a cap
 - Ex: Maryland-Potomac has a cap
- Caps apply to point and nonpoint sources

Recent History: Municipal Wastewater (2003-05)

- Treatment Plants (WWTPs) capped in VA
- 125 “Significant” WWTPs generally must upgrade treatment now
- Other “Non-Significant” (smaller) WWTPs must upgrade when next expand
- Caps driving these upgrades are mandated by DEQ regulations

Very stringent, very expensive to comply ⁴

Recent History: Urban Stormwater (2003-05)



- VA Tributary Strategies developed
- Contain control requirements for urban/suburban stormwater
- Virginia 2005 Tributary Strategy = \$10B
- Municipal Stormwater Price Tag = \$7.5B

Not Yet Mandated, But Mandates in Development Now

Fast Forward: New Models / New “Targets”



- EPA has a new computer model
- New model being used to develop the “TMDL” Cleanup Plan for Bay watershed
- TMDL Plan will replace Tributary Strategies
- New model says Tributary Strategies miss goal of 175 Mlbs/yr by 60 Mlbs/yr!

Municipal Share of \$10 Billion Price Tag is Growing

Fast Forward: First VA 2-Year Milestones



- VA just set 2-year milestone goals (2009-11)
 - Increases pace of reduction
 - By 86% for Nitrogen
 - By 52% for Phosphorous
 - Good, but projected cost = \$1.2 Billion
- Municipal Wastewater
 - No change
- Municipal Stormwater
 - Calls for “aggressive” controls by localities

New Models / New “Targets”: Municipal Wastewater



- Plant upgrades are in progress
- Bond financing done
- Rate increases adopted
- Key Point: “Regulatory Stability” is a necessity, but EPA process is threatening localities

Similar Regulatory Requirements Are Under Development for Urban Stormwater

New Targets: EPA's Urban Stormwater Position

- New Development
 - Low Impact Development (LID)
 - 100% of sites
- Existing Development
 - Massive expenditures to retrofit existing development
 - Fix 20% of locality's impervious area every 5 years
 - Retrofit 80% over 20 years
 - Example: Montgomery Co., MD Permit

***Multi-Billion Dollar Unfunded Mandate,
Not Cost-Effective for Bay Restoration***

What It Will Take



- Major capital funding
- Major annual O & M expense
- Personnel, Consultants
- Significant revenue, mostly likely through adoption of Stormwater Utilities and rates

“Consequences”



- Legal/Regulatory Framework (Regs & Permits)
- Reporting and Auditing
- EPA, State or Citizen Enforcement
 - Civil Penalties (\$32,500/day authorized)
 - Injunctive relief
- Restrictions would hit High Growth Communities the hardest
 - On expansion of stormwater drainage system (Permit Denial)
 - Loss of Municipal Wastewater allocations/capacity

Next Steps



- Your nutrient budgets will be set by VA
 - 1st draft: October 2009
 - 2nd draft: January 2010
 - 3rd draft: April 2010
- Draft Cleanup Plan: June 2010
- Final Cleanup Plan: December 2010