

# EPA to Impose Chesapeake TMDL

## *County Farm Bureau Objects to Allocations*

By Glenn Graves

For years, the Delaware County Soil and Water Conservation District has been working with farmers in the Susquehanna River watershed in an effort to reduce the amount of sediment and the nutrients, nitrogen and phosphorus in the river and its tributaries. These pollutants were eventually finding their way to the Chesapeake Bay, which has been listed as "impaired," due to the levels of nitrogen, phosphorus and sediment in the bay and its tidal waters, which cause algae blooms that consume oxygen and create "dead zones" where fish and shellfish cannot survive, block sunlight that is needed by underwater grasses and smother aquatic life on the bottom.

Despite the efforts of regional organizations, such as the county Soil and Water Conservation District and the Upper Susquehanna Coalition in New York, the amount of nutrients and sediment in the bay has not been sufficiently reduced and the federal Environmental Protection Agency (EPA) has announced it will impose total maximum daily loads (TMDLs), which it calls a "pollution diet," to meet the water quality goals for the Chesapeake by 2025.

In July, EPA set draft limits for nitrogen and phosphorus and, on Aug. 13, set allowable sediment levels for the entire Chesapeake watershed. These pollution limits were further divided by jurisdictions and major river basins.

On Sept. 1, the New York State Department of Environmental Conservation (DEC) sent its plan to reduce the state's share of the pollutants coming from the Susquehanna and Chemung river basins. The DEC had prepared its pollutant reduction plan with the help of the Upper Susquehanna Coalition (USC), an organization of 16 county Soil and Water Conservation Districts in New York, which includes Delaware County, and three Conservation Districts in Pennsylvania.

On Sept. 24, EPA announced that New York's watershed implementation plans for phosphorus and

nitrogen pollution control had "serious deficiencies," and did not meet the reduction levels that EPA feels are necessary. New York's plan to limit loads of nitrogen were cited as 15 percent over the amount the EPA will allow and its plan for phosphorus was cited as 14 percent over the EPA's allowance. The state's plan to reduce sediment met with the EPA's approval however, falling 17 percent under the agency's allowance. The EPA determined that four other states, Delaware, Pennsylvania, Virginia and West Virginia, submitted plans with insufficient reductions in nutrient loads and two, Virginia and West Virginia, had insufficient reductions in sediment loads. The EPA also noted that none of the seven plans it received had reasonable assurance that the jurisdictions had implementation plans to develop programs and develop resources necessary to achieve the recommended pollutant reductions.

Once EPA identified the shortfalls in each of the plans, it created more stringent "backstop allocations" for point sources, including wastewater treatment plants, storm water run-off and animal agriculture operations, all considered major contributors to the loading of pollutants. The draft TMDL the EPA announced on Sept. 24 reflects the more stringent backstop allocations it intends to enforce when it establishes its final TMDL on Dec. 31.

Until then, the EPA is holding public meetings to discuss the draft TMDL. Two meetings will be held in New York, at Elmira, at the Riverview Holiday Inn, on Oct. 26, from 6-8 p.m. and in Binghamton, at the Binghamton Regency Hotel, on Oct. 27, from 2-4 p.m. The Binghamton meeting will be accessible online via webinar.

The EPA is also taking comments until Nov. 8. Instructions for submitting formal written comments or registering for the webinar can be found at the Chesapeake Bay TMDL website,

[www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl).

At least one organization, the New York State Farm Bureau, plans to let the EPA know that it feels its allocations are unfair to New York and it would like the EPA to accept New York's recommendations. At last week's meeting of the Delaware County Farm Bureau, the organization passed a resolution supporting the state Farm Bureau's position.

In the local resolution, the county Farm Bureau calls the EPA's TMDLs for New York "unattainable," and "imposes disproportionately heavier restrictions for water quality in New York in order to help other states meet their overall TMDL goal." The resolution further states that if the other states reach their mandated allocations by 2025, "their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre."

The county Farm Bureau believes the imposition of the TMDLs will be costly to the state, local municipalities and businesses and could be catastrophic for family farms, of which there are 2,000 in the Susquehanna Basin, all with no promise that water quality will improve significantly in the bay, because the allowances are unrealistic. The resolution states that the EPA hasn't committed to provide necessary funding or technical assistance to implement local plans and suggests the EPA work corroboratively with state, county, and local jurisdictions to address the water quality issues.

And, still, the Delaware County Farm Bureau holds out no hope that the proposed TMDLs can be successful, because the EPA seeks unattainable reductions in pollutants. As the resolution explains, "Even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet the EPA's TMDL allocation."

*Walton Reporter*  
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