

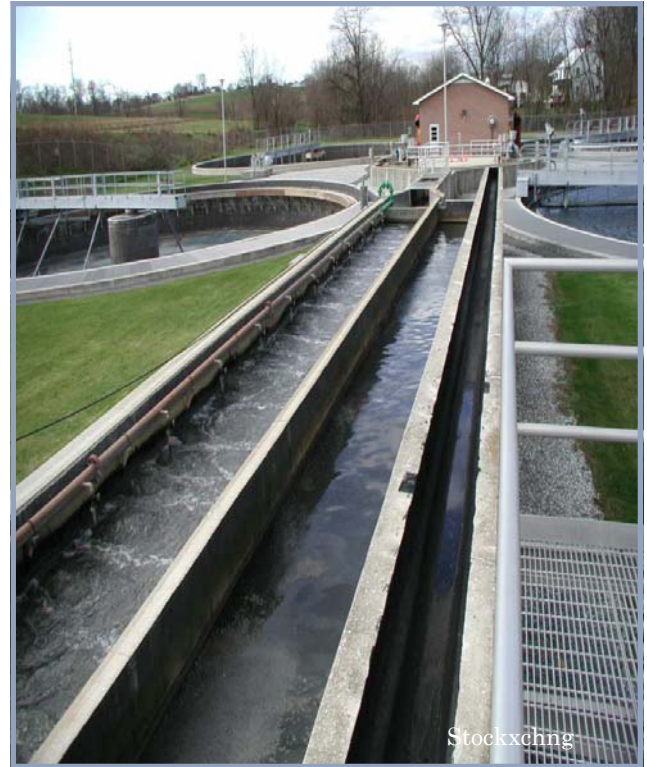
Maintaining Pollution Caps

Statement of the Issue

Virginia has committed to reducing pollution to the Chesapeake Bay and its tributaries from a variety of pollution sources. One major component of Virginia's clean up plan—reductions from point sources of pollution—is under attack. Over the past year, several wastewater dischargers have petitioned the Virginia Department of Environmental Quality (DEQ) and asked the General Assembly for increased permit limits that would allow too much nutrient pollution to flow into our streams, rivers, and the Chesapeake Bay. Current pollution limits are based on science in the interest of protecting the Chesapeake and its rivers and streams; those limits should not be increased. In the upcoming 2010 Session of the Virginia General Assembly Session, several of these facilities may again press the legislature to increase their nutrient permit limits.

Background

Nitrogen and phosphorus pollution (“nutrient pollution”) is the most serious problem facing the Chesapeake Bay and its tributaries. Excess nutrient pollution also can degrade local water quality in rivers, creeks, and streams across the Commonwealth. Nitrogen and phosphorus become pollution when waterways receive too many nutrients from point sources (municipal and industrial wastewater treatment facilities) and nonpoint sources (farm runoff, urban runoff, septic systems, and air deposition). Symptoms of nutrient pollution include dangerous algae blooms, oxygen-starved “dead zones,” fish kills, dwindling underwater grasses, closed beaches, and dwindling fisheries. Waterman, fishing guides, and local communities that rely on clean water are suffering because of this type of pollution. Wastewater treatment facilities are the source of 1/3 of the



nutrient pollution that flows into our local streams and ultimately reaches the Bay and its tributaries.

In 2000, the Commonwealth of Virginia committed to reducing annual nitrogen and phosphorus pollution from wastewater facilities to levels necessary to restore the Chesapeake Bay and its tributaries and to make those reductions by January 1, 2011. To do so, the Commonwealth developed science-based pollution limits (or “caps”) for each river basin and allocated specific limits for every large wastewater discharger. Additionally, a market-based nutrient trading program was created to give dischargers multiple compliance options. On top of all this, Virginia has authorized nearly \$1 billion in clean water grants and loans to help dischargers achieve their allocated nutrient pollution caps.

Recommendations: Nutrient Pollution

Oppose any legislation during the 2010 General Assembly Session that attempts to increase current nutrient caps or otherwise circumvent the restoration of state waters. Increased nutrient discharges will simply prolong the destruction of economies and communities that rely upon healthy water. Additionally, any such legislation erodes the authority of DEQ and the State Water Control Board to administer the regulatory programs designed to restore the Bay and its rivers. The Commonwealth must continue and complete its point source pollution reduction plans as established in 2000.

Right now these programs are working.

Many nutrient dischargers have undertaken the necessary steps to meet their permit limits by 2011. Virginia has reduced nitrogen pollution from wastewater treatment plants by 4 million pounds since 2000. Ultimately, Virginia is poised to achieve its point source nutrient reductions by the January 1, 2011 deadline.

Unfortunately, several dischargers now seek to derail the Virginia nutrient reduction program. These nutrient dischargers want to increase their nutrient pollution limits despite access to several flexible and reduced-cost compliance options. Should the General Assembly increase nutrient limits for any one of these facilities, the Commonwealth will fail to meet its promise to cap nutrient discharges at levels necessary to restore the



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Chesapeake Bay and its tributaries. Moreover, any legislation that increases nutrient pollution caps for wastewater facilities will potentially place greater nutrient reduction responsibilities on farmers.

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