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**County of El Dorado
Board of Supervisors
District IV
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Memo

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HELDEN
BOARD OF SUPERVISORS
EL DORADO COUNTY

To: Members of the Board
From: Supervisor Ron Briggs, District IV
Date: 10/25/2011
Re: Report to Board of Supervisors - Lake Tahoe TDML Conference Call

On Thursday, October 20th, I participated in a two-hour conference call, hosted by County of Placer Chief Executive Officer Tom Miller, regarding Lake Tahoe TMDL. The meeting/conference call participants included: Steve Kooyman and Brendan Ferry from our County's DOT; County of Placer Supervisor Jennifer Montgomery; City of South Lake Tahoe Mayor Pro Tem Claire Fortier; and several staff members from their respective agencies.

Placer County desires to coordinate local agency efforts addressing the Lahontan Regional Water Quality Board's proposed implementation of the Lake Tahoe Clarity Challenge, that is actually a state and federal mandate as Lahontan is employing the federal "Clean Water Act" throughout the United States. The federal government's environmental regulations are enforced by each state who act as a proxy by creating "standards" which may or may not contain attainable or affordable goals.

The County of Placer and the City of South Lake Tahoe, in my opinion, are not as advanced as the County of El Dorado in matters of responding to the proposed TMDL permitting process. Our early on dedication to understanding the issue, the proposed science and the mandated costs appears to be superior to that of our neighboring agencies.

Statements that were made during the conversation:

- The Tahoe Resource Conservation District has a JPA with TRPA for monitoring within Montgomery Estates and suggested the JPA and its form may be useful to all down the road.
- Placer County is adamant about TRPA taking ownership of the TDML. Their logic is that TRPA's authority is land use; therefore, all current or future basin development is a responsibility of TRPA.
- California will ultimately be responsible for 100% of TDML mitigation costs; Nevada is escaping their share of burden
- The American Farm Bureau has sued the Federal EPA in Virginia over an identical TDML for the Chesapeake Bay waters.
- The 55" in 60 years is actually two separate agreements that no one has seen or can provide (my office is tracking down copies).

I volunteered, as a starting point, to send our County's last letter to Lahontan and the briefing paper prepared by Steve Kooyman.

The Placer County Board of Supervisors was scheduled to meet yesterday, Monday, where they were to be asked to send a letter to Lahontan requesting Lahontan to continue its December 2011 TDML implementation decision to post January 2012.

The group that participated in the conference call is scheduled to talk again on Thursday October 27 at 1pm.

It is good that the County of El Dorado, the City of South Lake Tahoe and the County of Placer are talking but Caltrans and perhaps TRPA should also be part of the TDML resistance. While the group was lively, its intention wandered a little and circled back to County of Placer coming up to speed.

I need board direction to continue to support efforts to organize TDML opposition which will have a small commitment of DOT staff time. Points to consider: Does our County insist on Caltrans participation? Do we insist on TRPA's participation? And finally a further question to the board relates to TRPA's responsibility, if any. If TRPA does have responsibility how does our county seek re-numeration? Send them a claim? Litigate?

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Chesapeake Bay Foundation, other groups can intervene in suit challenging bay restoration

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By Associated Press, Published: October 13

BALTIMORE — The Chesapeake Bay Foundation and other groups can join a court fight over bay restoration efforts, a federal judge in Pennsylvania ruled Thursday.

The bay advocacy group, other environmental organizations and associations representing sewer authorities asked to side with the federal Environmental Protection Agency as defendants in the suit. The American Farm Bureau Federation sued the EPA in January over the stricter federally led effort and other groups have since joined the challenge. Critics say it is too far-reaching and will burden states with huge costs.

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Comments

Weigh In Corrections?

U.S. District Sylvia H. Rambo said the groups may help settle the complex case.

"In fact, given the complexity and voluminous size of the administrative record, which includes scientific models, the court finds that the presence of the intervenors may serve to clarify issues and, perhaps, contribute to resolution of this matter," Rambo said in her order.

A telephone call by The Associated Press seeking comment from the American Farm Bureau Federation was not immediately returned Thursday afternoon.

Foundation attorney Jon Mueller said the groups were "looking forward to arguing

this case in order to ensure that Bay restoration moves forward, and that all do their part to reduce pollution."

The other environmental groups joining the foundation in the motion were Penn Future, Defenders of Wildlife, the Jefferson County Public Service District, the Midshore Riverkeeper Conservancy, and the National Wildlife Federation. The National Association of Clean Water Agencies, which represents sewer authorities nationwide, also sought to intervene with state sewer authority associations. The head of the association said in May that his organization has some concerns about the EPA's strategy, but is much more concerned with attempts by the plaintiffs to walk away from the process.

Chesapeake Bay Foundation President William Baker accused the plaintiffs on Thursday of trying to halt the restoration process.

"The effort to derail Bay restoration must be stopped, here and now," Baker said. "We are pleased we can be part of defending the Bay restoration effort and are confident that the court will uphold the public's right to clean water."

The EPA's strategy puts everyone in the six-state bay watershed on a "pollution diet" with daily limits for how much sediment and runoff can come from each area. Pollutants such as nitrogen and phosphorus from fertilizer, auto and power plant emissions cause oxygen-robbing algae blooms once they reach the bay, creating dead zones where sea life can't live.

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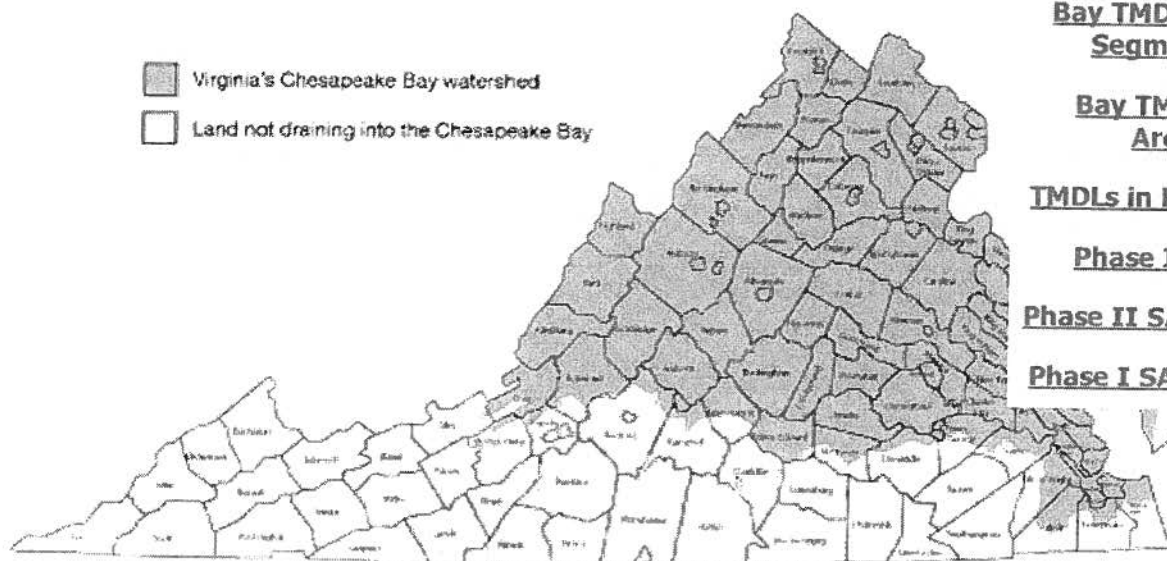
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[View a larger version of the above map.](#)

[Click here](#) for information on WIP II workshops and Virginia Assessment and Scenario Tool (VAST) training.

Watershed remains challenged

Despite nearly 30 years of clean-up efforts from all levels of government, conservation groups and others, the Chesapeake Bay watershed remains a challenged ecosystem. The tidal waters of the Bay continue to be enriched with the nutrients nitrogen and phosphorus, and sediment. This excess of nutrients and sediments leads to problems such as annual dead zones, loss of habitat for aquatic species in the Bay and tidal waters, as well as localized water quality concerns in many upstream rivers.

As a result, in accordance with the federal Clean Water Act, the U.S. Environmental Protection Agency is directing the Chesapeake Bay states and the District of Columbia to develop and implement a "pollution diet" for the Bay and its tidal waters known as a Total Daily Maximum Load. In short this "TMDL" establishes how much nitrogen, phosphorus and sediment can flow into the waters of the Bay while maintaining a water quality standard that will

allow for improved water quality and aquatic habitats. EPA announced its initial TMDL in Dec. 2010. To meet the reduction goals in the TMDL, Virginia developed an initial *Watershed Implementation Plan*. The plan has strategies and outlines programs and resources needed to reach the TMDL.

Phase I Watershed Implementation Plan

EPA announced the Bay TMDL and approved Virginia's initial Watershed Implementation Plan (WIP) at the same time. This initial plan is known as the Phase I WIP. It was developed by DCR, DEQ and other state agencies with help from local governments, conservation groups, and the agricultural, development and business communities.

Phase II WIP

In the next phase of the process, the TMDL and implementation plan will be localized across the entire Chesapeake Bay watershed. Most of Virginia's land mass is in the bay watershed, which is made up of all or part of 68 counties and 28 cities.

For Phase II, the TMDL's load allocations, or legally binding reduction goals, have been established for [39 Virginia tidal water segments](#). State staff will initiate an intensive stakeholder process engaging 16 planning district commissions, 96 localities, 32 soil and water conservation districts and numerous other stakeholders to develop an implementation plan that addresses conditions in all tidal segments.

Check this page frequently for updates on this ongoing process and how you can become involved.

Virginia Bay TMDL frequently asked questions

The EPA website has a good list of [Chesapeake Bay TMDL Frequently Asked Questions](#). [Click here](#) (PDF) for a short fact sheet, produced by EPA, that briefly covers the TMDL process throughout the Chesapeake Bay region.

[Click here](#) for a list of distinctly Virginian FAQs. Check back frequently. We'll update questions and answers as the process progresses. Or [click here for a list of Phase II frequently asked questions](#). If you have a question that's not answered in either FAQ, please [click here](#) to share it with us.

Virginia submits final WIP

On Nov. 29, 2010, the governor's office sent to EPA Virginia's initial submission of a final *Chesapeake Bay TMDL Phase I Watershed Implementation Plan*.

- [Click here](#) (PDF) to download the November document.
- [Click here](#) (PDF) for Secretary Domenech's November submittal letter.

The plan is a revision of one submitted in September. Changes are based on continuing discussions with the EPA and more than 7,000 comments received from stakeholders and the general public.

- [Click here](#) (PDF) to download the September document.
- [Click here](#) (PDF) to download a document with technical corrections to the September draft.
- [Click here](#) (PDF) to see Secretary Domenech's September submittal letter.

Working with localities on Phase II

Each of Virginia's 39 segment sheds has been assigned a *load allocation* for nitrogen, phosphorus and sediment. An allocation is the reduction the state is required to meet in each segment shed.

Using EPA data, the state will give each of 96 localities in Virginia's bay watershed a reduction goal. The sum of these goals will equal Virginia's TMDL allocations. For localities, this is just a goal, not a legally binding assignment.

To help develop strategies to meet these targets, DCR staff will work with PDCs and localities on a process to develop nutrient reduction strategies to meet goals by 2025. In this process, DCR will provide each locality with information on its current nutrient and sediment loads, land use, conservation practices coverage and other data. This data will be derived from EPA's Watershed Model. Each locality will be able to draw from its particular data to develop local reduction strategies. The data will be based on what is available and will include land use, green infrastructure, water quality, and local agricultural and urban BMP implementation levels.

This approach is intended to allow flexibility for localities and is in response to local governments wanting to use local data and program capacity to develop strategies. This approach is a local option. It is not mandatory.

Presentations to Virginia's Bay Region Planning District Commissions

During March and April, Assistant Secretary of Natural Resources for Chesapeake Bay Restoration Anthony Moore, or his designee, visited each of 16 planning district

at the Virginia Institute of Marine Science, Watermen's Hall
McHugh Auditorium, Rt 1208 Greate Rd, Gloucester Point
VA 23062. Webinar: www.gotowebinar.com/register/962089970

To register for attendance in person, please send an email
with your name, organization and the location of the
meeting you would like to attend to
V'lent.Lassiter@dcr.virginia.gov.

[Click here for a PDF](#) of a PowerPoint show used in
previous VAST training.

- Translations -



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