

# Local Water Quality Issues

TOWG

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# TMDL – Appendix S

EPA requires offsets to:

- Result in progress toward attainment of WQS in the impaired segment;
- Not result in exceedances of WQS in the purchaser's impaired segment; and
- Not increase delivery loads in downstream impaired segments, not violate WQS in any intermediary segments, and not violate local WQS.

# Local Water Quality Provisions – Code of Virginia

- § [10.1-603.8:1](#) Stormwater Offsets: C. No applicant shall use nutrient credits to address water quantity control requirements. No applicant shall use nutrient credits or other off-site options in contravention of local water quality-based limitations: (i) determined pursuant to subsection B of § [62.1-44.19:14](#), (ii) adopted pursuant to § [10.1-603.7](#) or other applicable authority, (iii) deemed necessary to protect public water supplies from demonstrated adverse nutrient impacts, or (iv) as otherwise may be established or approved by the Board. Where such a limitation exists, off-site options may be used provided that such options do not preclude or impair compliance with the local limitation.

# Local Water Quality Provisions – Code of Virginia

- § [62.1-44.19:14](#). Watershed General Permit: “This section shall not be construed to limit or otherwise affect the Board's authority to establish and enforce more stringent water quality-based effluent limitations for total nitrogen or total phosphorus in individual permits where those limitations are necessary to protect local water quality. The exchange or acquisition of credits pursuant to this article shall not affect any requirement to comply with such local water quality-based limitations.”
- § [10.1-603.15:3](#). Nutrient Trading Act:

F. This section shall not be construed to limit or otherwise affect the authority of the Soil and Water Conservation Board or the State Water Control Board, as applicable, to establish and enforce more stringent water quality-based effluent limitations for total nitrogen or total phosphorus in permits where those limitations are necessary to protect local water quality. The exchange or acquisition of credits pursuant to this article shall not affect any requirement to comply with such local water quality-based limitations.

# Local Water Quality – Virginia

## Perspectives

- Stormwater Program authorities may limit the use of credits in impaired watersheds
- One way trading on the James River is current policy to protect tidal fresh areas below the fall line
- This is not currently a significant issue in the Virginia program, given that only 35 lbs of P have been used for stormwater requirements and less than 5% of point source TP loads and 2% of point source TN loads have been traded. These point source percentages are expected to decline as additional upgrades are completed.
- In the vast majority of cases, sufficient credits are being generated upstream of the credit purchaser.
- As flows increase at sewage treatment plants, trading will be less of an option and new or expanding facilities must treat to state of the art levels under current technology requirements and offset their entire new load to maintain existing caps.
- Local rivers and streams likely to improve as practices are broadly implemented WIP even with some trading