

transparent waters



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High levels of nutrients in the Chesapeake Bay date back to the 1970s. Since then, Chesapeake Bay states have made numerous efforts to reduce nutrient pollution. As it became clear that these efforts alone were inadequate, in 2010, the U.S. Environmental Protection Agency imposed a total maximum daily load (TMDL) limit on nitrogen, phosphorus and sediment flowing into the bay by 2025.

Currently, Chesapeake Bay's TMDL is the largest and most complex in the U.S. Neighboring states are required to achieve 60% reduction by 2017 and submit Watershed Improvement Plans outlining how they will achieve these goals.

Pennsylvania, one of the states affected by the Chesapeake Bay TMDL limit, is required to reduce nitrogen pollution by 30% over 2011 levels. The state plans to meet this goal by reducing nitrogen from various pollution sources.

In recent months, ambitious and, for some, controversial piece of legislation—Pennsylvania Senate Bill 994, which was introduced in July—may shift gears on Pennsylvania's nutrient reduction plans. The bill aims to minimize the state's overall cost of nitrogen reduction by considering competitive bids from both public and private entities that could end up saving the

state as much as 80% of the projected costs of meeting the TMDL.

Bill advocates believe that this initiative would shift the burden of cost away from municipalities and their wastewater treatment plants to private sector entities bidding to receive government money to handle the job.

Furthermore, because Pennsylvania already has a water quality trading system for nutrient reduction credits—allowing one facility with a higher pollutant control cost to buy a pollutant reduction credit from a facility with a lower control cost to reduce its cost of compliance—supporters of the legislation feel that the bill would complement this system.

Paralleling the Pennsylvania legislation, the U.S. Water Alliance held a National Roundtable on Water Quality Trading in Cincinnati, where it invited key policymakers, industry leaders, and agricultural and environmental groups to discuss practices and policies for advancing market-based solutions to accelerate cleanup up of impaired waters around the country.

I asked Ben Grumbles, president of the U.S. Water Alliance, to comment on the Pennsylvania legislation.

"Environmentalists, farmers and utilities need to unite for water quality now, and trading is one powerful and promising tool to make it happen. It's not about letting people off the hook; it's about bringing new problem-solvers to the table. Pennsylvania's continuing efforts to find the right balance offer hope and innovation for others in the fight against nutrient pollution," Grumbles said.

Brent Fewell, vice president of environmental compliance for United Water, who took an active part at the Cincinnati roundtable discussions, also shared his thoughts about Pennsylvania's bill.

"One of the most significant aspects of these types of programs that I think many don't fully appreciate is the cultural change that is occurring, and the engagement of watershed actors who would have no other reason to discuss and understand the large environmental challenge and strive for a shared solution," he said.

According to Fewell, many people have been frustrated with the slow pace of trading, but he feels that some of the trading programs have made significant progress over the past five years.

While trading and the recent Pennsylvania legislation will meet some opposition, future stringent regulations and enforcement will continue to drive states to seek new, more cost-effective and sustainable ways to meet requirements.

Ultimately, municipalities will have to coordinate with private entities such as industry and agriculture in search of a common solution—a cooperative and holistic watershed approach. Whether through trading or new legislation, transparency is key to success when multiple watershed actors are involved.



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