



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 13 2010

The Honorable Randy C. Huffman
Secretary
Department of Environmental Protection
601-5 7th Street
Charleston, West Virginia 25304

Dear Secretary Huffman:

Thank you for your continued commitment to the development of the Chesapeake Bay Total Maximum Daily Load (TMDL) and Watershed Implementation Plans (WIPs). The Environmental Protection Agency (EPA) is providing the enclosed draft sediment allocations, expressed as total suspended solids (TSS), as one of the remaining steps in the path to developing the draft Chesapeake Bay TMDL. The draft allocations of sediment are for your use in development of your WIP. EPA is committed to establishing the final TMDL by the end of 2010, and encourages the states and the District of Columbia to put forth comprehensive WIPs that will identify all necessary actions to fully restore the Bay and its tidal tributaries. EPA and the Chesapeake Bay Executive Council have committed to having all restoration actions completed by no later than 2025, with an interim goal to have sufficient practices in place by 2017 to achieve 60% or more of the total necessary load reductions.

States with tidal Bay waters and the District of Columbia have established Chesapeake Bay water quality standards (WQS) for both water clarity and submerged aquatic vegetation (SAV). The SAV standards are based on a long historical record of observed SAV acreage and assign an SAV goal for each Bay segment. Recent surveys show that the Chesapeake Bay is currently achieving 46% of the Bay-wide SAV goal of 185,000 acres.

A key step in the TMDL process is the establishment of sediment allocations that will restore the health of the Bay and its tidal rivers and streams. The Bay TMDL does not replace the need to set targets for local stream impairments due to sediment throughout the watershed. Our analysis points to the fact that there is a close and consistent relationship between nutrient and sediment controls. This analysis indicates that there is a great amount of commonality and co-benefit of controlling nutrients in the Bay watershed and the reduction of sediment loadings to meet Bay water quality standards. EPA has utilized the strength of this relationship in the draft allocations.



Sediment Allocations and Potential for Modification

The sediment allocations are part of the Bay TMDL needed to achieve the SAV WQS in the tidal waters. To provide the jurisdictions with some flexibility in developing their draft WIPs, the draft sediment allocations are being initially expressed as a range for each of the jurisdictions and major river basins. The Bay-wide range in sediment allocations is 6.1 to 6.7 billion pounds per year (bpy) of TSS. The enclosed tables detail the specific basin-jurisdictions draft allocation ranges for sediment at both the jurisdiction and river basin level.

Informed by the draft WIPs, EPA's draft TMDL will assign a single allocation for each of the 92 segments as well as allocations to the contributing jurisdictions. EPA will assess the WIPs to ensure that the distribution of the sediment loads will attain the SAV WQS in all 92 segments. If EPA determines that the draft WIP distributes the sediment load in a manner that does not achieve WQS, EPA will work closely with each jurisdiction to resolve the matter. Resolution may include redistribution of the loading within the basin or among the segments, and/or implementation commitments in the Phase I or Phase II WIPs. EPA also may modify these draft sediment allocations in the final TMDL to reflect input received during the TMDL public comment period. The final Bay TMDL will be based on public input, the jurisdictions' final WIPs, and additional attainment analysis to confirm that the final assigned sediment allocations will achieve WQS.

EPA Expectations for WIPs

EPA recognizes that the time allowed to develop draft WIPs to achieve the sediment allocations is very short. The range has been proposed to provide jurisdictions with some flexibility in developing draft WIPs. In addition, the range represents loads expected to be achievable through full implementation of nutrient management practices necessary to attain the draft nitrogen and phosphorus allocations issued on July 1, 2010. Finally, in many basins the range captures the level of effort states have previously proposed through earlier Tributary Strategies.

It is EPA's expectation that each jurisdiction will include implementation strategies in the Phase I WIPs that will achieve a sediment allocation within the range assigned for river basins and jurisdictions. The final WIP submission is expected to show attainment of the sediment and nutrient allocations of the TMDL.

As stated in the July 1, 2010 letter, EPA has articulated its expectations for the jurisdictions' WIPs in correspondence issued on November 4, 2009, in the April 2, 2010 document entitled *A Guide for EPA's Evaluation of Phase I Watershed Implementation Plans*, and through periodic calls and webinars. EPA will rely upon the expectations described in this previous correspondence to determine the adequacy of the jurisdictions' WIP submittals.

Furthermore, as indicated in past correspondence, EPA is prepared take appropriate federal action in the event that there are shortfalls in jurisdictions' efforts to develop and implement acceptable WIPs for sediment and nutrients.



Schedule

With this letter, EPA presents a range of sediment allocations for the basin-jurisdictions. Jurisdictions are to use this range of sediment allocations to develop their draft Phase I WIPs to be submitted to EPA on September 1, 2010. EPA expects that jurisdictions will provide sufficient detail in their WIPs to show how point and nonpoint source loads are distributed among the 92 Bay segments. The information contained in these draft WIPs will inform EPA in establishing a specific set of sediment allocations that will be included in the draft TMDL to be released on September 24, 2010 for a 45-day public comment period. Following the completion of the public comment period, EPA expects the jurisdictions to revise their WIPs as necessary and submit final Phase I WIPs to EPA by November 29, 2010. As noted, EPA will establish a final TMDL by December 31, 2010. EPA expects the jurisdictions to submit their Phase II and III WIPs according to the schedule included in the letter of June 11, 2010.

I appreciate the extensive efforts of you and your staff to complete the important tasks of defining effective Watershed Implementation Plans to meet these goals and for engaging the Bay and local watershed stakeholders in this process. I pledge our continued cooperation and support in this regard. Should you have any questions regarding the draft sediment allocation ranges presented in this letter or the TMDL development process, please do not hesitate to contact me or have your staff contact Mrs. Jessica Greathouse, EPA's West Virginia Liaison, at 304-234-0275.

Sincerely,



Shawn M. Garvin
Regional Administrator

Enclosures

Table 1 - Chesapeake Bay Watershed Sediment Draft Allocation by Basin

Table 2 - Chesapeake Bay Watershed Sediment Draft Allocation by Jurisdiction

cc: State and D.C. Agency PSC Representatives



**Table 1.
Chesapeake Bay Watershed Sediment Draft Allocations by Basin**

Basin/Jurisdiction	Sediment Allocation Range (million pounds total suspended solids (TSS) per year)
SUSQUEHANNA	
NY	293-322
PA	1,660-1,826
MD	60-66
SUSQUEHANNA Total	2,013-2,214
EASTERN SHORE	
DE	58-64
MD	166-182
PA	21-23
VA	11-12
EASTERN SHORE Total	256-281
WESTERN SHORE	
MD	155-170
PA	0.37-0.41
WESTERN SHORE Total	155-171
PATUXENT	
MD	82-90
PATUXENT Total	82-90
POTOMAC	
PA	221-243
MD	654-719
DC	10-11
VA	810-891
WV	226-248
POTOMAC Total	1,920-2,113
RAPPAHANNOCK	
VA	681-750
RAPPAHANNOCK Total	681-750
YORK	
VA	107-118
YORK Total	107-118
JAMES	
VA	837-920
WV	15-17
JAMES Total	852-937
Total Basinwide Draft Allocation¹	6,066-6,673

¹ The basinwide allocation range rounds up to 6.1-6.7 billion pounds per year.

**Table 2.
Chesapeake Bay Watershed Sediment Draft Allocations by Jurisdiction**

Jurisdiction/Basin	Sediment Allocation Range (million pounds total suspended solids (TSS) per year)
PENNSYLVANIA	
Susquehanna	1,660-1,826
Potomac	221-243
Eastern Shore	21-23
Western Shore	0.37-0.41
PA Total	1,903-2,093
MARYLAND	
Susquehanna	60-66
Eastern Shore	166-182
Western Shore	155-170
Patuxent	82-90
Potomac	654-719
MD Total	1,116-1,228
VIRGINIA	
Eastern Shore	11-12
Potomac	810-891
Rappahannock	681-750
York	107-118
James	837-920
VA Total	2,446-2,691
DISTRICT OF COLUMBIA	
Potomac	10-11
DC Total	10-11
NEW YORK	
Susquehanna	293-322
NY Total	293-322
DELAWARE	
Eastern Shore	58-64
DE Total	58-64
WEST VIRGINIA	
Potomac	226-248
James	15-17
WV Total	241-265
Total Basinwide Draft Allocation²	6,066-6,673

² The basinwide allocation range rounds up to 6.1-6.7 billion pounds per year.