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New York and the Chesapeake Bay – a review of the issue at hand

The “Chesapeake Bay Program” (CBP) is a multi-state/federal partnership that has been working toward restoring the Chesapeake Bay since 1983. Although the program has made great efforts, continued water quality impairments within the Bay led the EPA and the states to list over 90% of the Bay tidal waters as “impaired” due to low dissolved oxygen levels and other problems related to nutrient pollution.

The EPA, as a result of a law suit, will require a Total Maximum Daily Load (TMDL) for the Chesapeake Bay in 2011. To avoid this regulatory TMDL, the Chesapeake Bay Program voluntary partnership has committed to correct all nutrient and sediment problems in the Chesapeake Bay and its tidal tributaries sufficiently to remove it from the list of impaired waterbodies under the Clean Water Act by 2010. This is a unique opportunity to test a voluntary approach to a regulatory necessity.

The Chesapeake Bay Program defined the water quality conditions necessary to protect aquatic living resources (through Chesapeake Bay water quality criteria for dissolved oxygen, chlorophyll a, and water clarity). The Program then assigned load reductions for nitrogen, phosphorus, and sediment needed from each tributary basin to achieve the necessary water quality. The Susquehanna River contributes 50% of the fresh water to the Bay.

New York’s Approach

In 2000, Governor Pataki, through a Memorandum of Understanding, joined executives from the other Chesapeake Bay Watershed states and the federal government in agreeing to

- “Work cooperatively to achieve the nutrient and sediment reduction targets that we agree are necessary to achieve the goals of a clean Chesapeake Bay by 2010, thereby allowing the Chesapeake and its tidal tributaries to be removed from the list of impaired waters.
- Provide for an inclusive, open and comprehensive public participation process.
- Collaborate on the development and use of innovative measures such as effluent trading, cooperative implementation mechanisms, and expanded interstate agreements to achieve the necessary reductions.”

New York State Department of Environmental Conservation has the lead role in developing an action plan to address this issue. This plan is in its earliest formative stages. The Upper Susquehanna Coalition will be helping with the process by informing all stakeholders about this issue, facilitating stakeholder understanding through outreach efforts and challenging all involved to help. We believe that a substantial effort to bring stakeholders together and give them a real voice in developing a strategy will be the best action that can be taken to insure long-term success of this venture.

The Numbers

1. Phosphorus loads delivered to the Bay from NY presently average about 970,000 pounds/year. The target or cap load allocation is 590,000 pounds/year. Major land use sources include urban runoff and sewage treatment plants (48%) and agriculture (56%).
2. Nitrogen loads delivered to the Bay from NY presently average about 19,100,000 pounds/year. The target is 12,580,000 pounds/year. Major land use sources include forests (26%), urban runoff and sewage treatment plants (28%) and agriculture (45%).
3. Detailed and extensive information can be obtained on the web at <http://www.chesapeakebay.net/tribtools.htm>

Who's who in the Chesapeake Bay – a short description of organizations you may encounter

1. Chesapeake Bay Program (**CBP**) – A partnership of Pennsylvania, Maryland, Virginia, Washington D.C, the Chesapeake Bay Commission, and the Federal Government that was created to restore the Chesapeake Bay. In 2000, New York, along with Delaware and West Virginia, joined the partnership in committing to meet the nutrient and sediment reduction targets necessary to remove the Bay from the list of impaired waters. The federal government provides staff from the EPA, Forest Service, Fish and Wildlife Service and Park Service. The CBP has developed the cap load allocations. It has no regulatory functions. Its main office is in Annapolis, MD. Web Site: **<http://www.chesapeakebay.net>**
2. Chesapeake Bay Foundation (**CBF**) - The Chesapeake Bay Foundation is a non-profit organization dedicated to Bay restoration efforts. It supports educational outreach, provides funding for agricultural best management practices and currently is taking legal action to require reduction in. It has no regulatory functions. Its main office is also in Annapolis, MD. Web Site: **<http://www.cbf.org>**
3. The Alliance for the Chesapeake Bay (**ACB**) - The Alliance for the Chesapeake Bay is a regional nonprofit organization that builds and fosters partnerships to protect and to restore the Bay and its rivers. The Alliance does not lobby or litigate. It produces the Bay Journal for the CBP, which covers a wide range of issues covering the Bay. It has no regulatory functions. Its main office is in Baltimore, MD. Web Site: **<http://www.acb-online.org>**
4. Upper Susquehanna Coalition (**USC**) – Established in 1992, this organization is a network of county natural resource professionals. Comprised of members from 11 counties in New York and 3 in Pennsylvania, the USC has partnered with local, regional, state, federal, academic and non-governmental organizations to conduct nonpoint source implementation projects in the Susquehanna Headwaters. It has no regulatory functions. Its main office is in Owego, NY. Web site: **<http://www.u-s-c.org>**
5. Susquehanna River Basin Commission (**SRBC**) –Established in 1970, this is an interstate compact commission working on water quality and quantity issues in the Susquehanna River Basin in New York, Pennsylvania, and Maryland. Programs include water quality monitoring, assessment, restoration, and protection activities. SRBC regulates water withdrawal and consumptive uses through a permit and fee process. Its main office is in Harrisburg, PA. Web Site: **<http://www.srbc.net>**
6. Environmental Protection Agency (**EPA**) - This is a large federal agency that has many roles, responsibilities and regulatory authorities. Its main office is in Washington, D.C.
Web Site: **<http://www.epa.gov>**
7. New York State Department of Environmental Conservation (**DEC**) - This is a New York State agency that has many roles, responsibilities and regulatory authorities. Its main office is in Albany.
Web Site: **<http://www.dec.state.ny.us>**