



Virginia Environmental Law

Is EPA's Model Data Appropriate for Bay Cleanup?

By: Ann Neil Cosby. *Wednesday, November 2nd, 2011*

The spirited debate about the accuracy and dependability of the Environmental Protection Agency's proscription for limiting pollution throughout the **Chesapeake Bay watershed spilled over into the news** again Monday.



Construction Runoff Fence via Wikipedia

The model that EPA uses to determine the parameters of the Bay's "**Pollution Diet**" at the state and now local level has been questioned by many stakeholders throughout the **TMDL** and WIP preparation process. Many have questioned whether the important and expensive steps and sacrifices that are being asked of Virginians to reduce pollution levels in the Bay are indeed based on **sound science**. For its part, EPA acknowledges that the models are not perfect, but believes too much focus is being placed on the hard numbers as opposed to clean-up strategies.

These pervasive Bay model questions follow **our own first webinar session** on Virginia's strategies to reduce nutrients and sediment in the Bay, focusing particularly on regulated and unregulated stormwater. Virginia's strategies, as set forth in the state's watershed implementation plan (WIP) are based largely on the EPA model data. The accuracy of the data has been a question throughout the TMDL and WIP process, and was again called into question in August of this year when revised model data shifted nutrient reduction goals, changed land use classifications, and called into question accepted conclusions about the effectiveness of nutrient management plans on agriculture, among other things.

Our next webinar (November 30) will address the new Stormwater Regulations in Virginia, and focus on new program and regulatory requirements that are now incorporated into Virginia's WIP strategies.

It seems clear from the continuing refinements in the EPA computer models, that we can't say for sure whether model-driven reductions will actually yield the **water quality** goals that the Bay states, including Virginia, are required to meet. However, it seems equally clear

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that a reduction in pollution, at any level, is another step closer to better water quality.

While local and state officials may not ever be convinced that pollutant load allocations are based on “sound science,” they will still be charged with revising and implementing new ordinances, programs, and infrastructure to meet EPA’s bay mandates. It seems quite a lot for Virginians’ to “take on faith.” Even if the result is a cleaner Bay.

What is your opinion of the EPA’s models?

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