

*Consideration of Proposed Rulemaking*  
Water Quality Standards  
Implementation  
*25 Pa Code, Chapter 96*

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Environmental Quality Board  
November 17, 2009

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## Development of Rulemaking:

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- 2003 - Discussion on the Pfizer Voluntary Trade began.
- 2004 - Chesapeake Bay Tributary Strategy issued.
- 2005 - Interim Final Policy published in October.
- 2006 – Open dialog process held with stakeholders to develop and define the program. In December the Final Policy was published.
- 2007 to Present - Program implementation, outreach and enhancements have been made.



# Major Provisions of Chapter 96:

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- Key areas of the proposed rulemaking include:
  - 96.8 (c) Methodology
  - 96.8 (d) Eligibility Requirements for the Chesapeake Bay
  - 96.8 (e) Certification Requirements for the Chesapeake Bay
  - 96.8 (f) Registration Requirements for the Chesapeake Bay
  - 96.8 (g) Use of credits and offsets to meet NPDES requirements related to the Chesapeake Bay
  - 96.8 (j) Use of credits and offsets generally



## Anticipated results of the Nutrient Trading Program:

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- Cost-effective solutions.
- Flexible compliance alternatives.
- No new costs.



## Cost savings of Program Participation:

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This proposed rulemaking does not require specific entities to comply unless they opt to take advantage of the cost-saving benefits of the trading program. Those that may be able to take advantage of the cost-savings of the program are:

- any facility subject to new cap loads for nutrients or sediment related to restoration and protection of the Bay, mostly wastewater treatment facilities;
- any farmer who may voluntarily choose to implement nutrient or sediment reduction measures and thereby earn revenue;
- any developer that seeks to create a new or expanding discharge that must meet the zero net load; and
- any aggregator that seeks to arrange for the sale of credits generated by another person, or arranges for the credits to be certified, verified and registered.



## Advisory Committee and EPA Review:

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- Water Resources Advisory Committee (WRAC)
  - Presentations on the proposed rulemaking were made in June 2009 and again in July 2009.
- Agricultural Advisory Board (AAB)
  - Presented the rulemaking in August 2009.
- EPA Review of the policy and proposed rulemaking.



## Recommendation:

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- Board approval of the proposed rulemaking.
- 30-day public comment period.



Thank you.

John Hines  
Deputy Secretary  
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