



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

Nutrient Standards Implementation Regional Case Studies

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IDEM Nutrient Workgroup Meeting

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Trading and watershed permitting

- Opportunities → potentially more cost-effective; can include nonpoint sources
- Risks → more complex program design; largely untested; opportunity for loopholes
- Two current examples:
 - Wisconsin
 - Ohio River



Wisconsin Phosphorus Criteria

- **P standards** (NR 102) (effective 12/2010)
 - Lakes: 15-40 ug/L
 - Streams: 75 ug/L
 - Rivers: 100 ug/L
- **Implementation procedures** (NR 217):
 - “Adaptive management”
 - Trading



Wisconsin – “adaptive management”

- One sponsor and potentially many point and nonpoint source partners
- Sponsor files “plan” with enforceable measures that will lead to compliance with P criteria in the watershed.
- Contrast to trading:
 - Plan can be implemented over several years
 - measures can be located anywhere in watershed
 - Goal is meeting criteria, not just effluent limits



Requirements of adaptive mgmt. plan

- Identify major P contributors
- Quantify load reductions necessary
- Identify partners
- Describe management measures and estimate load reductions
- Monitoring
- Financial security
- Implementation schedule and milestones



Example management measures

Any best management practice (BMP) which is proven to reduce phosphorus in runoff can be considered in an AM strategy.



Urban

- Grass swales
- Infiltration practices
- Porous pavement
- Retention/detention basins
- Sand filters



Agricultural

- Use of cover crops
- Contour farming
- Buffer strips
- No-till practices
- Grazing land protection
- Nutrient management



Other

- Stream bank stabilization
- Wetland restoration
- Constructed wetlands



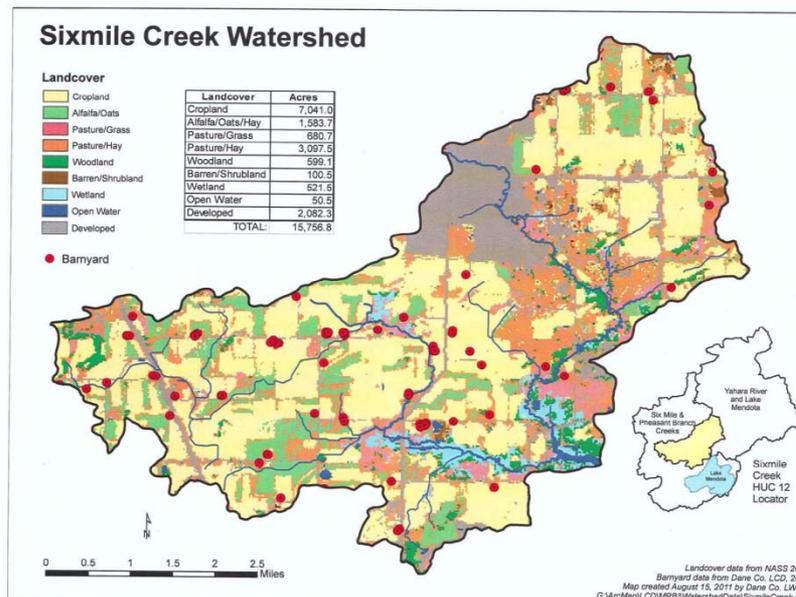
Current issues in Wisconsin

- Brand new – requires a lot of work and leadership
- Timing → long compliance schedules
- Regulatory certainty and “safe harbor”
- Public participation



Madison / Dane County Pilot project

- 4 year, \$3 million pilot program on Yahara River watershed
- Led by Madison Sewage District, City of Madison, and Dane County



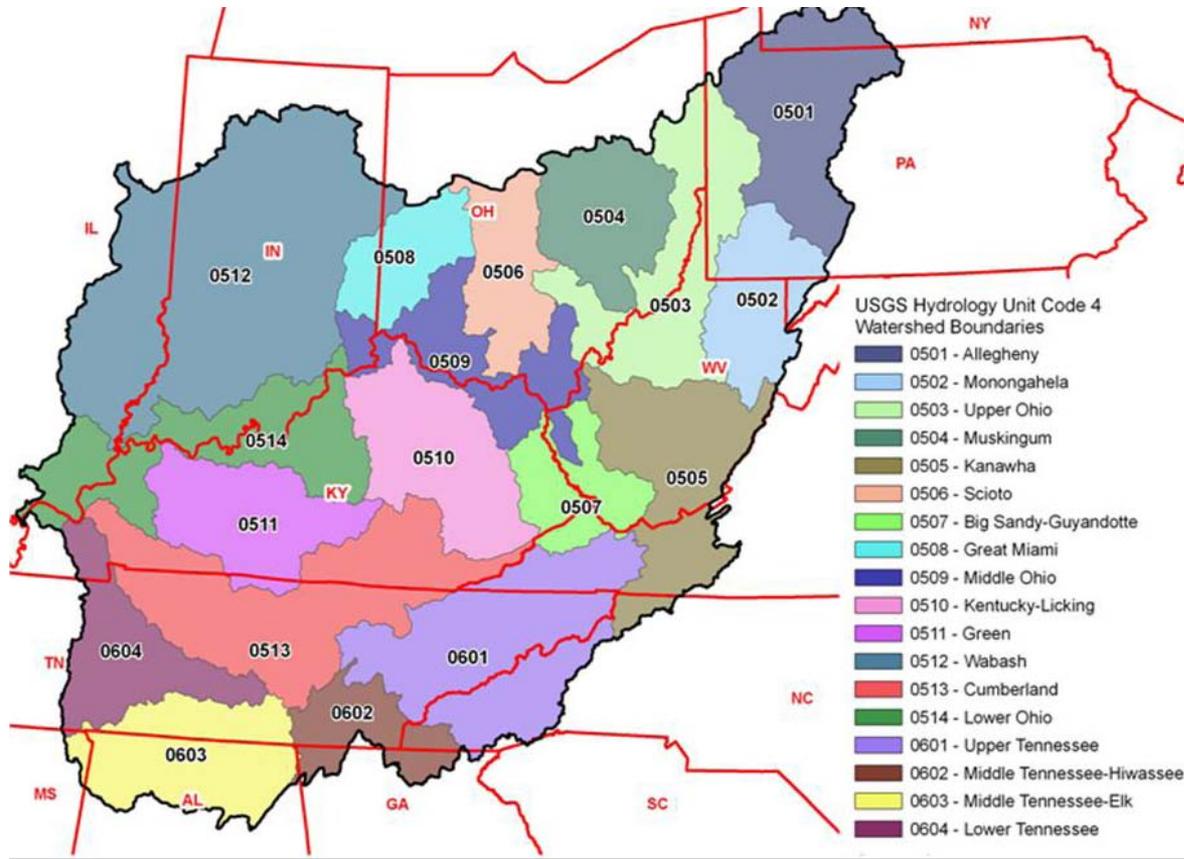


Ohio River Basin Trading Project

- Interstate trading platform for TN & TP (8 ORSANCO states; 230,000 farmers)
- Point sources and non-point sources
- Pilot phase 2012-2014 (IN, KY, OH)
- Funded and organized by EPRI
- Official kick-off on Aug 9, 2012

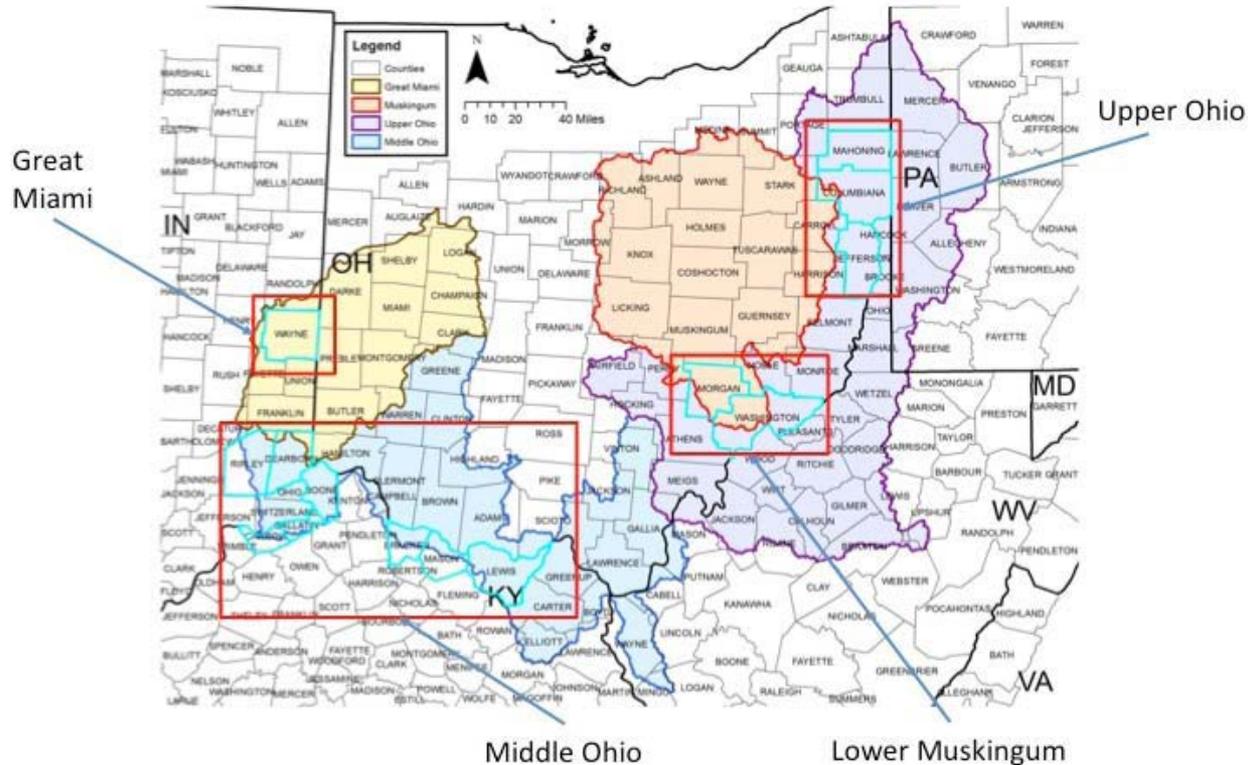


Subwatersheds in Ohio River Basin





Areas identified for pilot trades

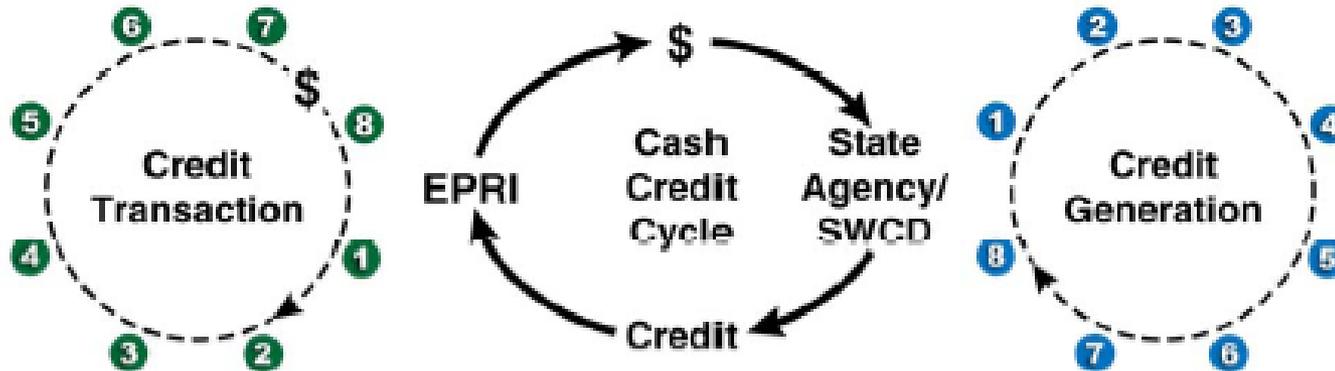




Credit mechanics

- EPRI enters agreements w/ states → starts funding
- SWCDs enter into BMP agreements w/ landowners
- Landowners implement BMPs
- State agencies monitor, inspect and verify BMPs
- Credits registered with EPRI
- Buyers submit purchase requests to EPRI

Pilot Credit Process





Issues:

- Credit baselines
- Credit calculation methods
- Trading Ratios
- Geographic range / hot spots
- Verification and certification of BMPs
- CWA requirements and “pre-regulatory incentives”