

Lake Jesup TMDL Allocation Strategy – Options for Discussion

The adopted Lake Jesup TMDL included total nitrogen and total phosphorus loading estimates and reductions for point sources (“wasteload allocation” including MS4s) and nonpoint sources (“load allocation”). As part of the Basin Management Action Plan, the Lake Jesup, Crane Strand, Crane Strand Drain, and Long Branch Basin Workign Group Working Group (BWG) will be considering the degree to which these initial allocations should be further divided. The purpose of the allocation process is to result in “reasonable and equitable” obligations for TMDL implementation (403.067(6)(b)1.-8 F.S.).

This document provides a possible allocation strategy and alternatives for the Lake Jesup BMAP. This information is provided for consideration and revision by the BWG. The steps identified form a strategy that, applied in order, would result in an equal level of effort for individual stakeholders and achievement of TMDL-related water quality goals. The extent to which these four steps would be implemented by an individual stakeholder will depend on the extent to which that stakeholder is a nutrient source and the desired mix of activities (local, regional, etc.) that is palatable for each group and jurisdiction. Not all steps will apply to all stakeholders. Note that steps 3 and 4 would be implemented as-needed by stakeholders that cannot meet their load reduction requirements through enhancement of their MS4 program.

Next steps in the allocation process include collecting the necessary information needed to define each step in the allocation process and identifying the scale at which this strategy would be applied (e.g. individual jurisdictions, subbasins, etc.).

Proposed Allocation Strategy

Allocation Strategy Step	Description	Information Needed
Step 1 Continue current activities that address nonpoint source nutrient loads	This step identifies stakeholder commitments to “keep doing what we’re doing,” thus ensuring that effective current activities are not cut in favor of new activities. However, this step would allow for the cessation of current activities that are not cost-effective in favor of projects implemented through later allocation steps.	Project tables from each stakeholder describing current activities and projects (in progress).
Step 2 Level the playing field for MS4 activities, using MS4 performance measures as a guide.	This step applies the principle of “leveling the playing field” to MS4 permit implementation.	Table comparing the current level of effort in MS4 permit implementation (in progress). This table will need to be vetted and adjusted for the portion of each MS4 that is within the Jesup basin.
Step 3 Implement planned or funded local load reduction project(s).	Within this step, stakeholders would receive credit for nutrient load reduction projects implemented within their jurisdictions. Projects included in this allocation step would be structural BMPs, nonstructural BMPs, etc. that are unrelated to MS4 permit obligations. These are projects that are planned and/or funded (e.g. ready for implementation). Projects that have been completed since the end of the TMDL data period would be counted as “credit” under this step.	Table from each stakeholder identifying possible projects that may be implemented, if resources are available.
Step 4 A: Participate in regional treatment project(s). OR B: Develop and implement new local load reduction projects.	This step provides a final pair of options for jurisdictions to meet their load reduction obligations. Participation in the Interagency Strategy regional projects could be part of this step, as could the development and implementation of new load reduction projects within a jurisdiction. Although participation in the Interagency Strategy projects is highly desirable, it is up to each stakeholder to determine the feasibility and cost-effectiveness of participation in the regional projects versus the implementation of new load reduction projects within their jurisdiction.	Cost and pollutant reduction benefits of Interagency Strategy projects (in progress); Realistic options for new local projects

Allocation Strategy Alternatives

Proposed Strategy Steps	Alternative Steps	Implications	Other Alternatives?
Step 1 Continue current activities that address nonpoint source nutrient loads	Step 1 Continue current activities that address nonpoint source nutrient loads, including maintenance of current MS4 implementation effort.	Alternative strategy would not make MS4 program modifications a required component of the BMAP.	To be developed by the BWG
Step 2 Level the playing field for MS4 activities, using MS4 performance measures as a guide.	Step 2 Implement planned or funded local load reduction project(s).		
Step 3 Implement planned or funded local load reduction project(s).	Step 3 Participate in regional treatment project(s).	Participation in regional projects would be mandatory for jurisdictions that cannot meet their load reduction obligations with current and pending activities.	
Step 4 A: Participate in regional treatment project(s). OR B: Develop and implement new local load reduction projects.	Step 4 Develop and implement new local load reduction projects.	Participation in regional projects would be prioritized over use of resources for local nutrient reduction projects.	

Detailed Allocation Concepts

- A key goal in the concept of detailed allocations is to “level the playing field” between point and nonpoint sources. When considering this goal, it is important to keep in mind that MS4 discharges are considered as point sources in the TMDL program. A second goal is to ensure that reductions are in proportion to the amount contributed. This ensures equitability among all stakeholders.
- With no industrial or domestic point sources in the basin, an equal percent reduction across all stakeholders could be applied, with project-based reductions incorporated to calculate how much farther each entity needs to go. This approach would implement the concept of reducing in proportion to the amount contributed. However, stakeholders are free to adjust the percent reductions in order to achieve what they feel to be an equitable allocation.
- Reductions achieved by implemented, ongoing, and future projects would be incorporated as credit toward achieving an allocation. These reductions would not likely be considered as part of the detailed allocation development.
- Generally, the Water Management Districts are not assigned an allocation as part of a BMAP. In areas where they own significant property, the stakeholder group may need to reconsider this approach.
- Because MS4 areas are considered point sources, non-MS4 areas within the same jurisdiction are considered as nonpoint sources. As such, one jurisdiction may have loading assigned to both the load allocation and wasteload allocation in the TMDL.

Detailed Allocation Considerations

These considerations have arisen in other basins that are considering the level to which detailed allocations should be calculated. It will be up to the stakeholder group to evaluate available data and determine the degree to which the original TMDL allocation should be divided. The option remains for stakeholders to use the original TMDL allocation within the BMAP.

MS4s: Phase I and Phase II MS4 discharges, by definition, are point sources in the TMDL, and are therefore included in the wasteload allocation.

Stormwater loads from urban land uses within the MS4's jurisdictional boundary should be assigned to the MS4 operator. However, these allocations need to consider the following:

- Areas that the MS4 operator provides information demonstrating that they do not discharge through their MS4
- Areas that are the responsibility of another MS4 operator, or

- Areas that the MS4 operator provides information to demonstrate that they are the responsibility of another non-regulated entity

It is the MS4's responsibility to provide the information needed to identify areas that meet one of these three criteria.

Non-MS4 Stormwater: Stormwater discharges that are not discharged from an MS4 are considered nonpoint sources, and thus are included in the load allocation. Note that a jurisdiction could have a separate allocation for stormwater discharges from their MS4 vs. non-MS4 portions of the jurisdiction.

Future Growth: For all jurisdictions, BMAP allocations need to consider the effect of future growth (5 years). This will require consideration of which jurisdictions are effectively "built-out," which are considering significant redevelopment, where will large areas of new development occur, restrictions that will be place on new and redevelopment, etc.