

**Transportation & Environment Subcommittee,
House Appropriations Committee
January 18, 2012**

Main Concepts of a TMDL:

- TMDL: Maximum amount of pollutant that can be received by a water body and still meet standards.
- $TMDL = WLA + LA + MOS$
 - WLA: Sources with Permits (point sources)
 - LA: Sources without Permits (nonpoint sources)
 - MOS: Margin of Safety, protective of environment.

- Federal “Accountability Framework”
 - Clean Water Act: Bay TMDL and generally greater regulatory influence
 - Watershed Implementation Plans
 - Tracking & Evaluating Progress
 - 2-Year Implementation Milestones
 - Federal “Consequences”

- Most likely consequences. EPA can:
 - Object to NPDES permits to require additional reductions from point sources;
 - Expand NPDES permit coverage to currently unregulated sources; and
 - Increase and target federal enforcement and compliance assurance

- Set up Local Teams to increase local engagement -
DONE
- Orientation to MAST – DONE
- Finalize 2-yr Milestones by end of 2011 - DONE
- Develop 2017 and 2025 strategies with local input
for public review.
- Public Review & Revision WIP (Jan. – Mar. 2012)

- **2017 & 2025 Target Loads**
- **Strategies to Meet Targets**
- **Milestones**
- **Tracking, Reporting and Verification**
- **Cost**

- WIP focuses on achieving 60% of required implementation by 2017.
- Revised from 70%.
- We are on pace overall because of the ENR upgrades
- Expectation is for progress in all nonpoint source sectors to meet the assigned allocations.

- WIP implementation will be presented to EPA and the public at the scale of **five major basins**: Potomac, Patuxent, Susquehanna, Western Shore and Eastern Shore.
- However, we will continue to work with local jurisdictions.

Accomplishments:

- \$371M has gone into the ENR Upgrade portion of the BRF
- ENR Upgrades for Majors underway – 23 completed, 20 under construction, 10 in design, 10 in planning
- Close to 1.26M pounds of nitrogen and 0.19M pounds of phosphorus are prevented from entering the Bay every year due to completed upgrades

Challenges:

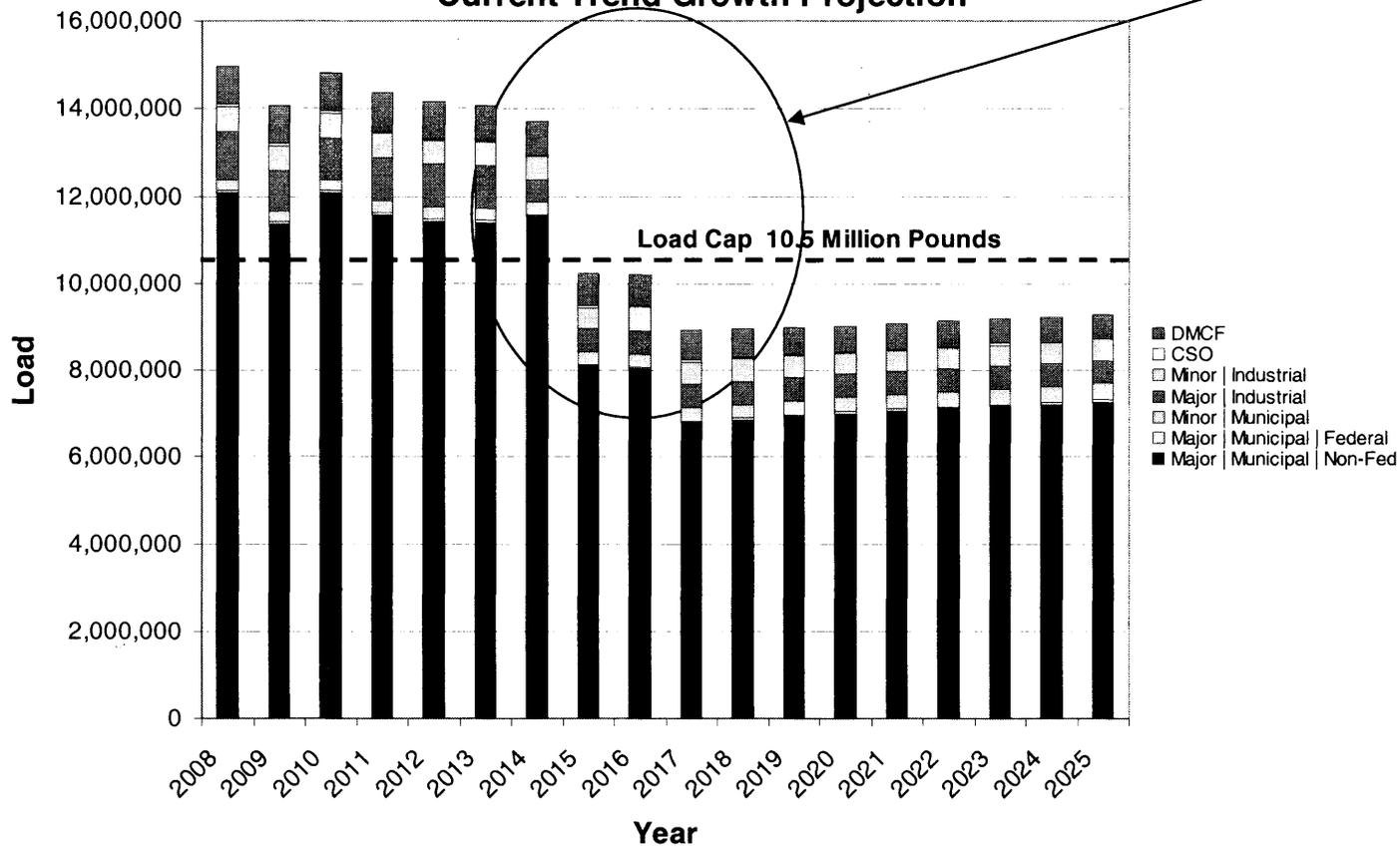
- Estimated shortfall of \$385 at current levels
- Many large facilities cannot be completed without fee increase
- Must complete all 67 plants to meet WIP goals.

- Policy and implementation plan still in preparation.
- Will evaluate legislative response to Task Force recommendations before finalizing policy.
- Offsets can aid in implementing stormwater retrofits and septic upgrades.

- Some counties did not submit strategies, others did not meet the target load.
- Strategy for filling the gap: in priority order add:
 - Anything required by permit.
 - Broad programmatic and cost effective controls, e.g., urban nutrient management.
 - Additional BMPs based on the same approach as that used for creating the allocations.

Total Nitrogen Point Source Delivered Loads (lbs)
Current Trend Growth Projection

Significant reductions expected
Between 2014 and 2017



January 6, 2012	Final State 2013 Milestones submitted to EPA
January 25 – March 7	45-Day Public Comment Period for Revised Draft Phase II WIP
March 30 – June 30	Local teams may continue to refine local Phase II Plans and FY13 Milestones by providing comments on EPA's proposed TMDL. Teams are encouraged to conduct reviews of revised plans by public and by local elected officials.
July 2	Local submittal of final Phase II Plans and FY13 Milestones to MDE. MDE will publish all plans on the State webpage.