CHESAPEAKE BAY COMMISSION

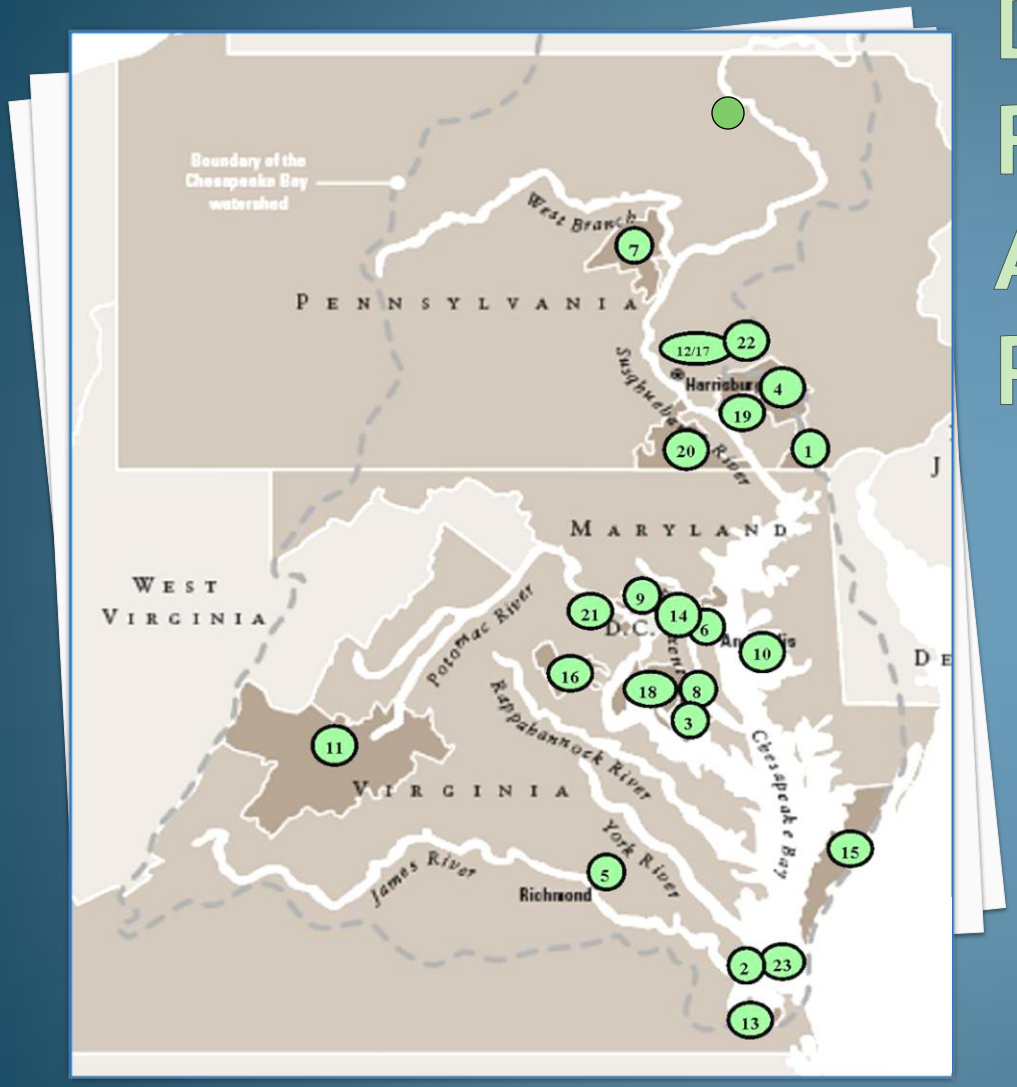
Chesapeake Bay Congressional Task Force

May 6, 2010

Who is the CHESAPEAKE BAY COMMISSION*?*

- ✓**Tri-State Legislative Commission**
  - Maryland
  - Pennsylvania
  - Virginia
- ✓**Chesapeake Bay Agreement Signatory**
- ✓ **Congressional Liaison**
- ✓**21 Members**
  - 15 General Assembly Members
  - 3 Governors
  - 3 Citizens

DIVERSE REPRESENTATION ACROSS PA, MD & VA



The Chesapeake Bay Commission 21 members span the watershed, representing different localities, interests, economies, and political parties.

SOME HISTORY ON BAY RESTORATION

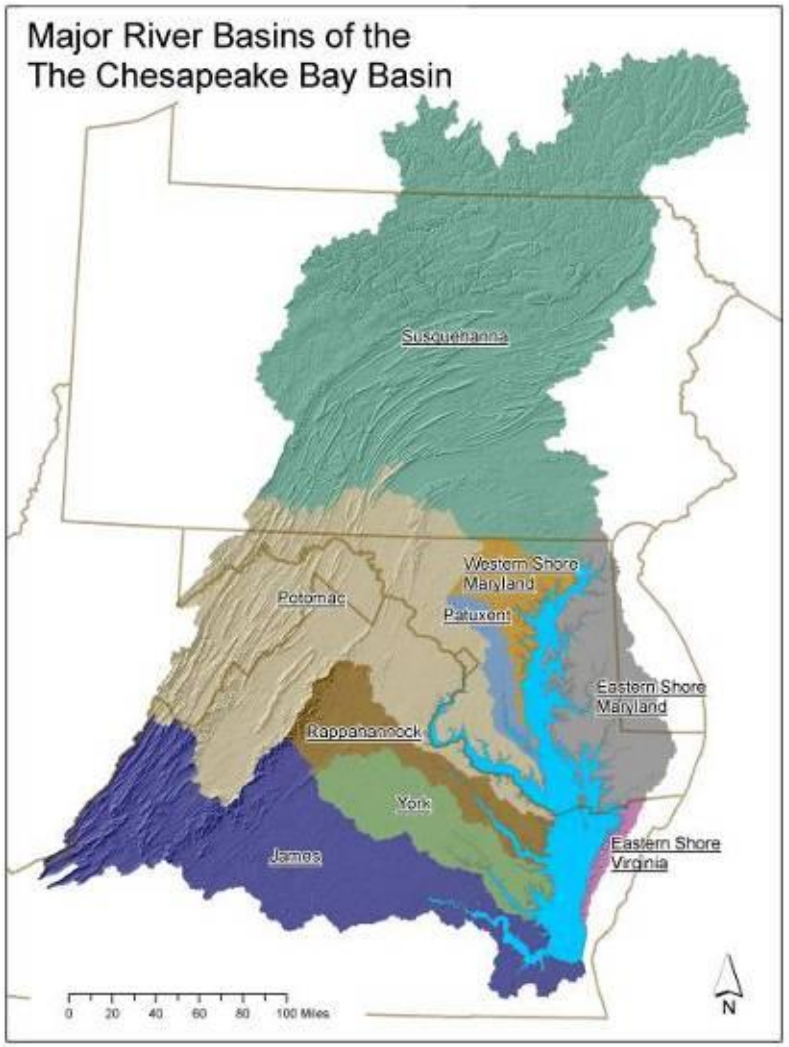
- In 1996, 1998 and 2000, the Chesapeake Bay and several tidal tributary segments were listed by Maryland, Virginia and D.C. as "impaired" for dissolved oxygen, clarity, and Chlorophyll A – all related to excess nitrogen, phosphorus, and sediment. Under VA Consent Decree, Bay TMDL must be done by May 2011.

- In June 2000, the Chesapeake 2000 Agreement was signed by EPA, Maryland, Virginia, Pennsylvania, D.C. and the Chesapeake Bay Commission. Among many other goals, the Federal government and the states agreed to take the actions necessary to remove the Chesapeake Bay from the impaired lists by 2010.

- The Program admitted failure in 2008. Now EPA must develop the TMDL for the entire watershed. The process is well under way.

CHESAPEAKE BAY TMDL

- EPA sets pollution diet to meet states' Bay clean water standards
- Caps on nitrogen, phosphorous and sediment loads for all 6 Bay watershed states & DC
- States allocate loads to point and nonpoint sources so not to exceed TMDL cap
- Milestones, contingencies & consequences



WHY IS THE CHESAPEAKE TMDL SUCH A BIG DEAL?

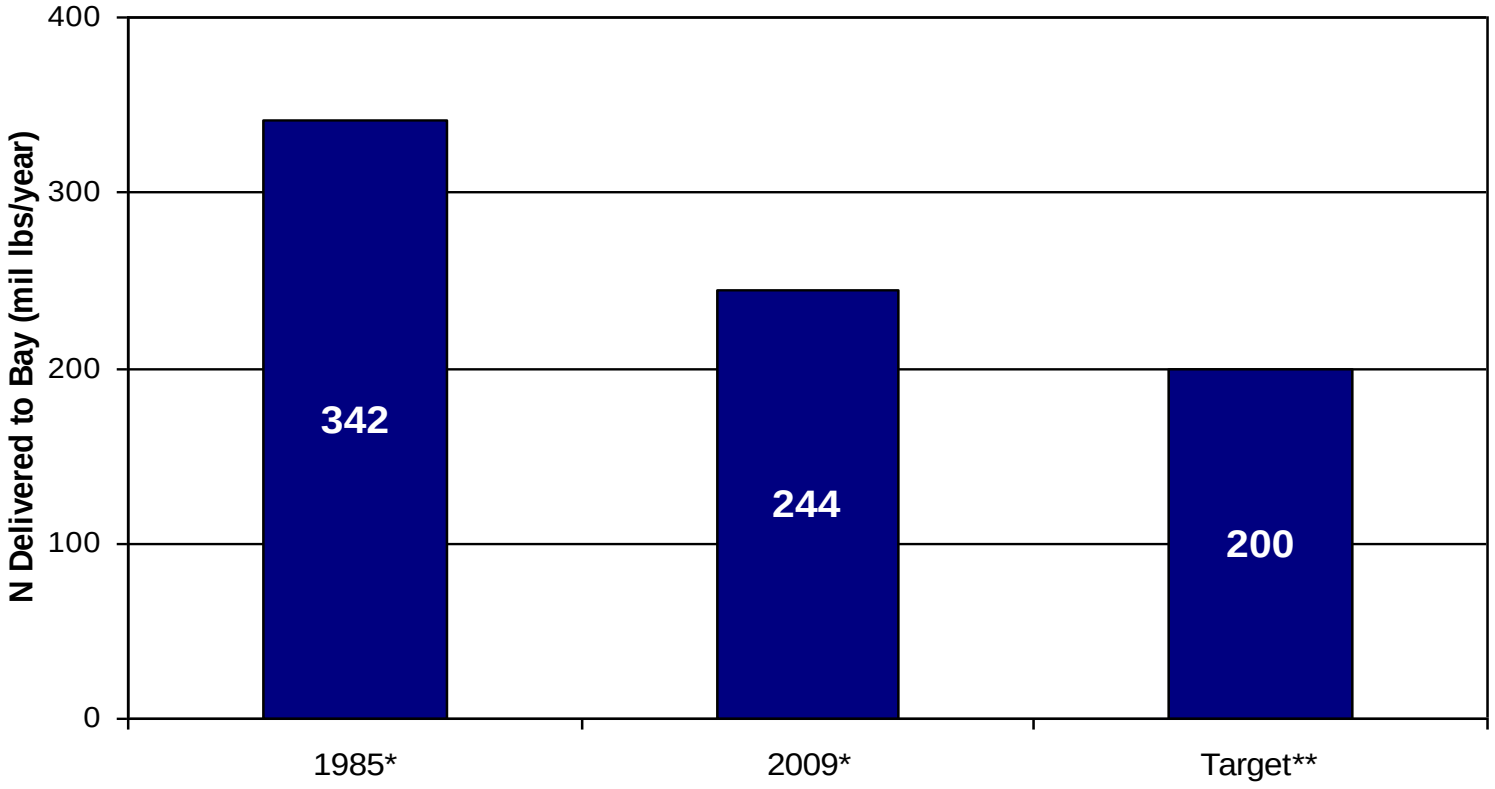
The Chesapeake Bay is unique because:

- **IT'S BIG** The 64,000 sq. mile watershed covers 6 states and the nation's capitol: the largest and most complex TMDL in the country
- **IT'S EVOLVED** The concerted multistate & federal partnership (CBP) effort to restore the Bay has been ongoing for over 30 years
- **IT'S WELL STUDIED** The Bay is unmatched as a source of scientific investigation & study. We have developed WQS and can determine sources of pollution to a local level, improving the ability to target pollution-reduction actions

ACCOMPLISHMENTS THUS FAR…

Reducing Nitrogen Baywide

Annual Nitrogen Loads Delivered to Bay by Watershed Model Source ***



* Based on Watershed Model Phase 5.3 Scenarios

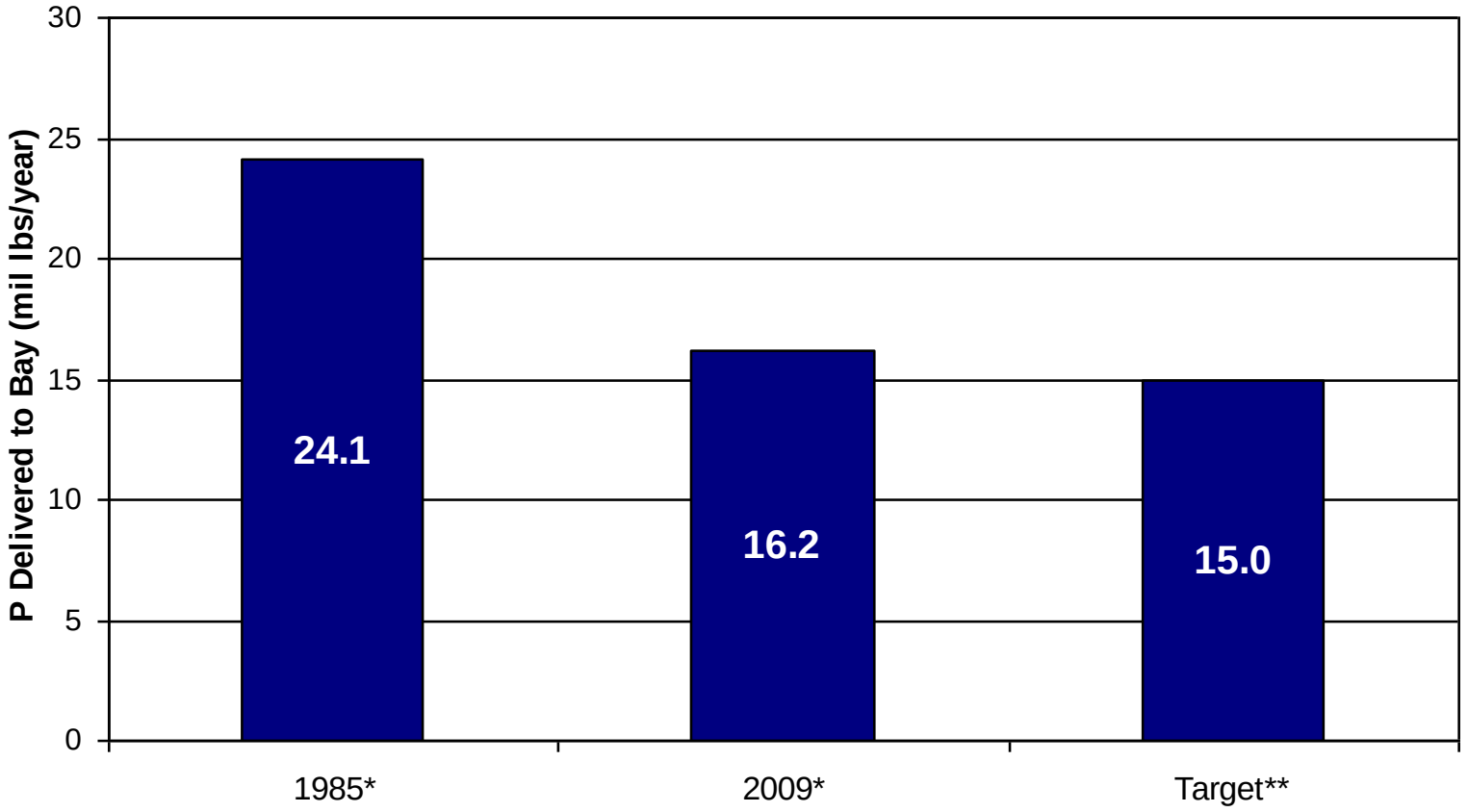
** Based on basinwide nutrient caps approved by CBP PSC, 10/09. Subject to change prior to establishment of final CB TMDL.

*** Atmospheric deposition to tidal waters is a direct input to the Water Quality and Sediment Transport Model and is not included in the Watershed Model sources illustrated here. Decreases in direct atmospheric deposition to tidal waters would increase the amount of N that the Bay can receive from the watershed (currently 200 million lbs) and still meet WQS.

ACCOMPLISHMENTS THUS FAR

Reducing Phosphorus Baywide

Annual Phosphorus Loads Delivered to Bay by Watershed Model Source



* Based on Watershed Model Phase 5.3 Scenarios

** Based on basinwide nutrient caps approved by Chesapeake Bay Program Principals' Staff Committee in October 2009. Subject to change prior to establishment of final Chesapeake Bay TMDL.

WATERSHED IMPLEMENTATION PLANS

- States will develop Plans that provide roadmap of how the TMDL will be achieved and maintained
- States are challenged to equitably allocate nutrient & sediment loads to source sectors, such as:
  - Wastewater, municipal & industrial
  - Agriculture
  - Stormwater
  - Septics
  - Forests
- Some sectors are regulated, some are not, but all are concerned over the financial and other impacts of the TMDL
- Court order requires compliance

WIP TIME LINE

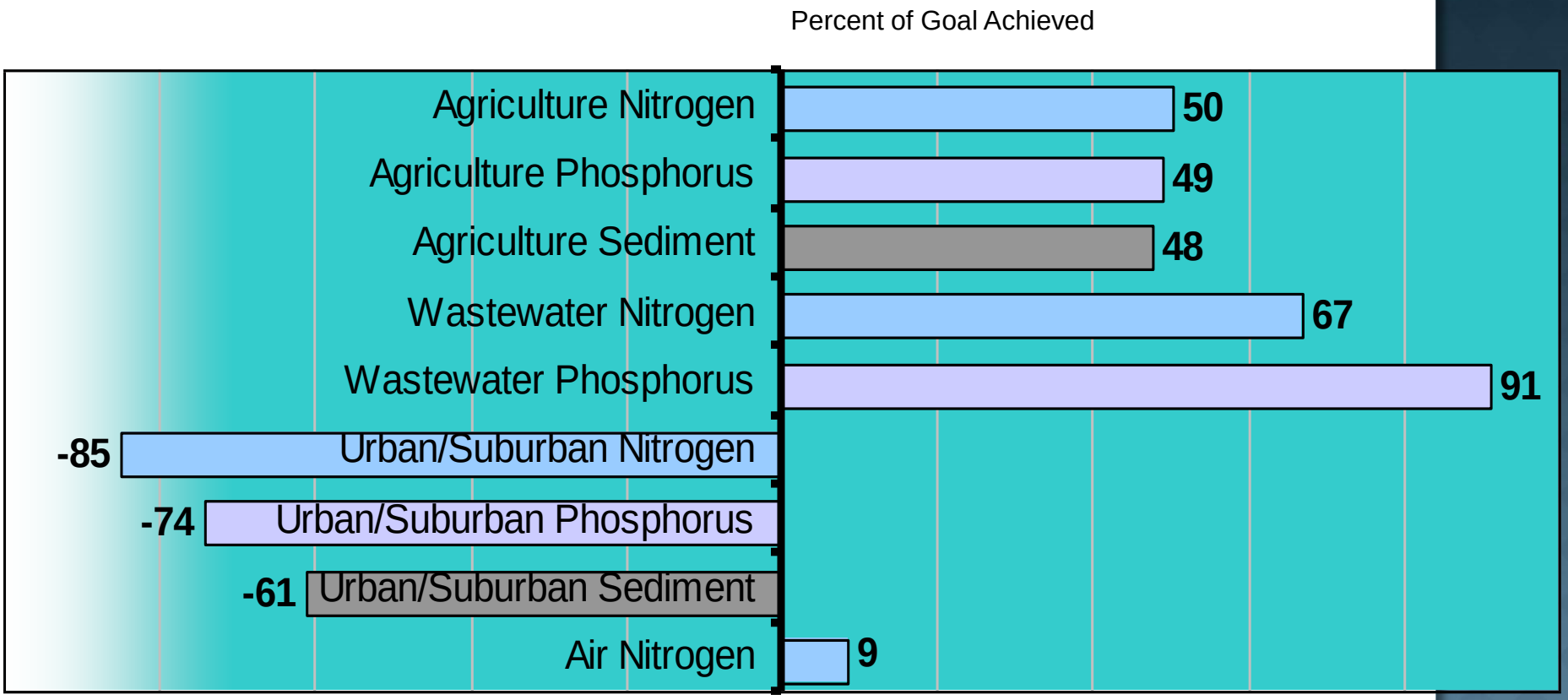
- **Nov. 4, 2009** – "Expectations" letter to states from EPA
- **April 2, 2010** – Guidelines issued by EPA for Phase I WIPs.
- **September 1, 2010** – Submit draft Phase 1 WIP to EPA
- **October 1-November 1** – 30-day public comment period
- **Nov. 29, 2010** – Submit FINAL Phase I WIP to EPA
- **December 21** – Final TMDL published
- **November 1, 2011** – Final Phase II WIP
- **November 1, 2017** – Final Phase III WIP

WHAT WE NOW NEED FOR SUCCESS

PRINCIPLES FOR AN EFFECTIVE FEDERAL-STATE PARTNERSHIP

1. Deadline of 2025 with 2 year milestones
2. State-led implementation plans
3. Accountability
4. Pollution allocations based on science and equity
5. All sources when accounting for pollution loads
6. Allowances and accounting for growth
7. Improved tracking of practices
8. Safe Harbor for farmers
9. Technical Assistance for Farmers and Local Government
10. An expanding market for nutrient trading

WHAT WE NOW NEED FOR SUCCESS



Source: Chesapeake Bay Health & Restoration Assessment: Executive Summary 03/10/09

For further information:

Chesapeake Bay Commission

Senator Thomas McLain "Mac" Middleton (MD), Chairman
Senator Mike Brubaker (PA), Vice Chairman
Senator Mary Margaret Whipple (VA), Vice-Chairman

Ann Swanson, Executive Director aswanson@chesbay.us
410-263-3420