

# Bay TMDL and Accountability Framework Overview

CBP partnership Beyond 2025 Symposium

February 28, 2024

Suzanne Trevena EPA Region 3 Water Division &

Kelly Gable EPA Region 3 Office of Regional Counsel

Disclaimer: This is an informal presentation based on our personal perspectives and has not been subject to management review. It is not intended to reflect the official position of EPA or the United States. In the event of a conflict, law, regulations and published Agency guidance govern.

# What is a Total Maximum Daily Load (TMDL)?

A calculation of the maximum amount of a pollutant that can enter a waterbody for it to meet and continue to meet applicable water quality standards (WQS).

- Sets a pollutant reduction target and allocates load reductions to the source(s) of the pollutant.
- $TMDL = WLAs + LAs + MOS$ 
  - Wasteload allocation (WLA), Load allocation (LA), Margin of Safety (MOS)
- Planning document – informational tool
- [EPA webpage on Total Maximum Daily Loads \(TMDL\)](#)

# What is the Accountability Framework?

- Framework developed to support the Chesapeake Bay Program partnership in achieving Bay restoration goals for water quality.
  - Note that the WQS underlying the water quality goal are meant to protect aquatic life, so there are co-benefits here
- Framework articulated in letters to the Principals' Staff Committee (PSC) in [2008](#) and [2009](#)
- Includes:
  1. Jurisdictions' Watershed Implementation Plans (WIPs)
  2. Jurisdictions' Two-Year Milestones
  3. EPA's commitment to track, record, and evaluate/assess progress
  4. EPA's commitment to take appropriate [federal actions](#), as necessary, if the jurisdictions do not develop sufficient WIPs, effectively implement their WIPs, or fulfill their two-year milestones.

# Accountability Framework structure

- Overall Structure
  1. Planning and doing – long-term /macro
  2. Planning and doing – short-term/micro
  3. Reporting and tracking progress toward plan(s)
  4. Identification of possible actions and taking actions as needed to keep 1 and 2 on track, using info from 3
- This overall structure could be used for other goals, not just the water quality goal. For example, black ducks.
- For the water quality goal, content of #4 comes from the CWA. If this structure is applied to other goals, other statutes might provide the content for #4 and other agencies might be involved.

# How do the Bay TMDL and Accountability Framework overlap?

- The TMDL is NOT part of the accountability framework.
- The Accountability Framework is NOT part of the Bay TMDL (See page [7-5 of the Bay TMDL document](#))
- The TMDL does recognize that the Accountability Framework exists and the TMDL points to its existence and the Phase I WIPs submitted by the states (see [Bay TMDL document Section 7](#)) as some of the elements of the reasonable assurance for the TMDL.

# What can the Partnership change

Disclaimer: This is an informal presentation based on our personal perspectives and has not been subject to management review. It is not intended to reflect the official position of EPA or the United States. In the event of a conflict, law, regulations and published Agency guidance govern.

## What can the Partnership change?

- Structure/elements of the Accountability Framework (what are the 4 pieces) -- can add or replace
- Substance: if adding/augmenting, can add to 1-4
- Substance: if replacing, can change 1-3 – i.e., can change how planning happens, how tracking happens
- Level of change informs level of partnership decision needed (structure of AF = EC, substance/how things happen = PSC)

## What can't the Partnership change (i.e., delete/replace)?

- EPA's commitment to conduct tracking – comes from EO 13508, CWA. However, could add to this – could add layers of tracking by others
- Details of EPA's CWA authorities (#4) – only Congress can change the CWA. However, could add to this – for example, states could hold each other accountable