

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Joint Resolution 10 (Delegate Barve, *et al.*)

Rules and Executive Nominations Education, Health, and Environmental Affairs

**Chesapeake Bay Restoration - Federal Budget Blueprint Funding Reductions -
Rescission Request**

This joint resolution (1) expresses the General Assembly's opposition to proposed federal budget cuts to the Chesapeake Bay Program and other federal programs that support the restoration of the Chesapeake Bay and (2) urges the Governor to publicly oppose the proposed budget cuts. The Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee must monitor and make recommendations regarding federal budget proposals and actions affecting the Chesapeake Bay and its tributaries.

Fiscal Summary

State Effect: Compliance with this joint resolution does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The Chesapeake Bay is the nation's largest estuary. Its watershed encompasses 64,000 square miles and is home to a significant number of plants and animals and more than 18 million people. The bay and its watershed provide a wide variety of economic, environmental, recreational, and cultural benefits to residents and visitors to the region. Since 1983, a regional partnership has aimed to reduce pollution to the bay and improve the bay's water quality, among other goals.

The Chesapeake Bay Restoration Policy Framework

The U.S. Environmental Protection Agency's (EPA) Chesapeake Bay Program has directed the restoration of the Chesapeake Bay since 1983. It coordinates collaboration between the federal government, the Chesapeake Bay Commission, the District of Columbia, and the six bay watershed states (Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia). While restoration efforts have been underway for decades, in December 2010, EPA established a Chesapeake Bay Total Maximum Daily Load (TMDL), as required under the federal Clean Water Act (CWA) and in response to consent decrees in the District of Columbia and Virginia. This TMDL sets the maximum amount of nutrient and sediment pollution that the bay can receive and still attain water quality standards. It also identifies specific pollution reduction requirements; all reduction measures must be in place by 2025, with measures in place to achieve at least 60% of pollution reductions relative to 2009 by 2017 – the timing of the midpoint assessment.

As part of the Chesapeake Bay TMDL, bay jurisdictions must develop watershed implementation plans (WIPs) that identify the measures being put in place to reduce pollution and restore the bay. WIPs (1) identify pollution load reductions to be achieved by various source sectors and in different geographic areas and (2) help to provide reasonable assurance that sources of pollution will be cleaned up, which is a basic requirement of all TMDLs. In 2010, bay jurisdictions submitted Phase I WIPs that detail how the jurisdiction plans to achieve its pollution reduction goals. The bay jurisdictions were required to submit Phase II WIPs in early 2012 that established more detailed strategies to achieve the bay TMDL on a geographically smaller scale. A Phase III WIP, which must be submitted to EPA by August 2018, will ensure that all practices are in place by 2025 so that water quality standards can be met.

Federal Funding for Chesapeake Bay Restoration

While the bay watershed states have made and continue to make substantial investments in efforts to restore the bay, the Chesapeake Bay Program and several other federal programs provide significant support for bay restoration activities. However, the proposed federal fiscal 2018 budget blueprint from the President of the United States eliminates funding for the Chesapeake Bay Program and reduces funding for several other federal programs that support bay restoration.

Several programs established under CWA, and administered by EPA, provide funding and support for bay restoration efforts. These programs include:

- the Nonpoint Source Management Program, which provides grants to states, territories, and tribes to support a wide variety of activities to assess the success of specific nonpoint source implementation projects;

- the Clean Water State Revolving Fund Program, which is a federal-state partnership that provides investment in water and wastewater infrastructure; and
- Water Pollution Control Grants, which help states manage the National Pollutant Discharge Elimination System, the federal water pollution permit program.

In addition to EPA, other federal agencies provide support for bay restoration activities. For example, the U.S. Department of the Interior, U.S. Department of Agriculture, and U.S. Army Corps of Engineers provide support for various programs, such as the Land and Water Conservation Fund, which helps protect large-scale landscapes throughout the bay watershed, and the Chesapeake Bay Oyster Recovery Project, which helps construct and seed new oyster reefs to increase the oyster population and improve water clarity.

Additional Information

Prior Introductions: None.

Cross File: SJ 8 (Senator Pinsky) - Education, Health, and Environmental Affairs.

Information Source(s): U.S. Environmental Protection Agency; *March 17, 2017 Letter from U.S. Senators to the Senate Appropriations Committee*; Department of Legislative Services

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