



## What does the Cardin Chesapeake Clean Water bill do for the Chesapeake Bay?

### **Expands Funding**

- Expands and Enhances Monitoring Grants (authorizes \$10 million per year) and Implementation Grants (authorizes \$80 million per year) for Chesapeake Bay states. Directs that not less than 10% of implementation grant funds go to headwater states (DE, NY, and WV) and not less than 20% be used for technical assistance to agricultural producers and foresters.
- Creates two new grants programs for local governments related to reducing stormwater pollution. 1) \$10 million for local governments to develop guidance, ordinances and guidelines to reduce stormwater pollution; and 2) \$1.5 billion for local governments to implement projects to reduce stormwater pollution.
- Re-Names and expands the Small Watershed Grant program to the “Chesapeake Bay Stewardship Grants”, authorizing \$15 million annually.

### **Makes Public an Annual Federal Action Plan**

- Per Executive Order 13508, by March 31<sup>st</sup> of each year EPA must develop a report that describes expenditures, annual assessment of the condition of the Bay, assess the implementation of the prior year’s plan, and provide recommendations to speed-up restoration.
- With the Secretary for Agriculture, the bill creates a Chesapeake Bay-wide database containing comprehensive data on implementation of conservation practices.

### **Codifies Bay-wide TMDL and Requires States to Draft Plans to meet Pollution Loads**

- Establishes a deadline of December 31, 2010 to develop a Bay-wide pollution budget.
- Requires States to develop Watershed Implementation Plans by May 12, 2011 and provide progress reports every 2 years beginning May 12, 2014. For the first time, these Plans will have to be approved by EPA. Plans must include enforceable or otherwise binding load allocations for all nonpoint sources of nutrient and sediment pollution loadings. Also requires states to provide assurances that the owner of any development or redevelopment project with an impervious footprint of a certain size (to be determined by rulemaking) will use site planning and design to restore predevelopment hydrology to the property.
- Requires a new or reissued permit under section 402(b)<sup>1</sup> to include limits consistent with all wasteload allocations under the TMDL effective January 1, 2011.

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<sup>1</sup> CWA Section 402 establishes the NPDES permit program to regulate point source discharges of pollutants into waters of the United States. An NPDES permit sets specific discharge limits for point sources discharging pollutants into waters of the United States and establishes monitoring and reporting requirements, as well as special conditions. (For more information about the NPDES permit program, see <http://cfpub.epa.gov/npdes>.)

- Requires all pollution reduction activities necessary to restore the Bay to be in place by May 12, 2025 and assurances that 60% of the practices will be in place by May 31, 2017.
- Prohibits use of phosphorus in cleaning agents within 3 years.

#### **Creates Federal Actions and Penalties**

- Directs the Administrator to approve watershed implementation plans and reject a plan that does not meet requirements. The Administrator may ask for corrections or plan revisions.
- If a Bay state fails to submit a watershed plan, a biennial report, or correct a missed commitment the Administrator shall:
  - Withhold all Clean Water Act funds
  - Develop and administer a watershed implementation plan for that state
  - Require all permits under Section 402 for new or expanded sources of pollution (N, P, or sediment) that they acquire offsets that exceed 100% an amount that would otherwise be required.
  - Promulgate regulations to control pollution to meet water quality standards
  - Enforce permits issued in accordance with watershed implementation plan

#### **Establishes a Nutrient Trading Program**

- Establishes an inter-state nitrogen and phosphorus trading program by May 12, 2012
- The Trading Program defines and standardizes nitrogen and phosphorus credits and establishes procedures for ensuring equivalent water quality benefits for all credits. And ...
  - Establishes procedures or standards for certifying and verifying nitrogen and phosphorus credits to ensure that practices from point and nonpoint sources are achieving actual reductions for generating, trading, and applying credits to meet regulatory requirements and allow trading between point and nonpoint sources.
  - Establishes several other requirements and guidelines to ensure the trading program has integrity, including requirements for receiving waters that do not currently have a TMDL.

#### **Mandates an Independent Evaluator**

- Requires the EPA Inspector General to evaluate the implementation of all activities under Section 117 of the Clean Water Act.
- The IG evaluations must occur on a periodic basis, but not less than every three years.

#### **Addresses Living Resource Concerns**

- Prohibits the introduction of Asian Oysters.
- Provides funding to eradicate Nutria (\$4 million annually).
- Creates a study on the harvesting of menhaden in the Chesapeake Bay.