

# Bay TMDL and Accountability Framework Overview

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# 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

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## 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