

**MIDPOINT ASSESSMENT PRIORITY WORK PLAN:  
BAY TMDL MODIFICATION  
LEAD: EPA**

**Full Title of Priority:** Bay TMDL Modification – Why, When, How?

**High / Low Priority [select one]:** Low Priority

**Short Description of Priority:**

Why?

EPA, in collaboration with the Partnership, will consider the results of the midpoint assessment and jurisdictions Phase III WIPs to determine whether modification of the 2010 Chesapeake Bay TMDL is necessary and appropriate. Future changes to Phase II planning targets and TMDL allocations are not a presumption of the results of the midpoint assessment. After midpoint assessment is complete, EPA will work with the Partnership to set Phase III WIP planning targets. Based on the midpoint assessment and Phase III WIPs, EPA, with input from the Partnership, will determine whether to modify the 2010 Bay TMDL.

When?

If determined necessary by EPA, the 2010 Bay TMDL may be modified after the midpoint assessment and Final Phase III WIPs due in late 2018. Notwithstanding the results of the midpoint assessment, modifications to the 2010 Bay TMDL may be necessary for other reasons. It should be noted that the schedule for Phase III WIPs and potential TMDL modifications will not slow down implementation and/or permitting activities. For a more detailed schedule, please see Appendix I of the November 26, 2012 Working Draft of the *Guiding Principles: The 2017 Chesapeake Bay TMDL Midpoint Assessment* (presented to the PSC on December 5, 2012 as “attachment\_iv.a.\_-\_guiding\_principles\_working\_draft\_11.26.12.pdf”).

How?

If EPA determines it is necessary or appropriate to modify the 2010 Bay TMDL, EPA will work in close coordination with the Partnership to develop that modification. Similar to the 2010 Bay TMDL, allocations are expected to be based upon information obtained from the jurisdictions Phase III WIPs and/or the midpoint assessment. EPA would public notice any draft TMDL modification before finalization. Under regulations, public notice could be as short as 30 days but WQGIT and PSC have recommended up to 90 days.

**Supporting Partners:** EPA and CBP Partnership

**Necessary Datasets, Analyses, or Decisions:** Determination by EPA, with input from the Partnership, to modify the 2010 Bay TMDL is contingent upon a number of factors that include the results of the Phase III WIPs and midpoint assessment.

**Start Date:** If determined necessary by EPA, TMDL modification could begin in 2019 after jurisdictions submit Final Phase III WIPs in December 2018. Notwithstanding the results of the midpoint assessment, modifications to the 2010 Bay TMDL may be necessary for other reasons.

**Interim Deliverables, Including Lead and Deadlines:** In early 2019, based on results of midpoint assessment and Phase III WIPs, EPA, with input from the Partnership, will consider whether modification of the 2010 Bay TMDL is necessary and appropriate. If determined necessary, then a tentative schedule to modify the TMDL could include:

- Early 2019: EPA modifies 2010 Bay TMDL in preparation for public notice
- Summer 2019: EPA releases Draft Modified Bay TMDL for public notice up to 90 days
- Late 2019: EPA revises Draft Modified Bay TMDL based on input from public comments
- Early 2020: EPA establishes Final Modified Bay TMDL

**Completion Date:** If determined necessary by EPA, TMDL modification would likely be completed by early 2020.

**Level of Effort for Lead and Supporting Partners, Including (as relevant) CBPO Modeling Team:** If determined necessary by EPA, TMDL modification would likely require a high level of effort for EPA and the Partnership starting in 2019.

**Potential Conflicts with Other Priorities:** Any TMDL modification that would occur after the midpoint assessment and Phase III WIPs would be unlikely to cause potential conflicts with other priorities in the near future.

**Issues Requiring Input from Full WQGIT:**

- Potential changes to allocations based on the midpoint assessment
- Setting Phase III WIP planning targets
- Decision to determine whether to modify the 2010 Bay TMDL
- Public notice length for any Draft Modified Bay TMDL

**Issues Requiring Input from Management Board and/or Principals' Staff Committee:**

- Potential changes to allocations based on the midpoint assessment
- Setting Phase III WIP planning targets
- Decision to determine whether to modify the 2010 Bay TMDL
- Public notice length for any Draft Modified Bay TMDL

**Other Notes:**