

IMPLEMENTATION OF THE FEDERAL CLEAN WATER ACT IN THE STATE OF MARYLAND

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The United States' federal Clean Water Act (CWA), which was first signed into law in 1972, sets ambitious goals for the restoration and protection of water quality to protect the public health and the water environment. Under the CWA, the U.S. Environmental Protection Agency (EPA) is authorized to delegate many of its responsibilities for water protection programs to the state governments. The State of Maryland has been delegated responsibility by EPA for CWA implementation for all the waters of the state, including a large portion of the Chesapeake Bay and many of its tributary rivers. Over 95% of the land area of the state is also located within the Chesapeake Bay watershed, which is the subject of an unprecedented, multi-jurisdictional restoration effort that is serving as a national and international model for watershed and enclosed coastal water management. Maryland is currently working with all of the other states in the Chesapeake Watershed to bring the efforts of the Chesapeake Bay Program partners to bear on achieving the ambitious goals of the CWA. The CWA requires delegated states to set standards for water quality based on EPA criteria, monitor all of the state's waters for compliance with those standards and to determine which waters are not meeting water quality standards. Waters that do not meet standards ("impaired waters") must be disclosed for public review and comment and the state must develop total maximum daily load (TMDL) estimates for those waters. The TMDL is defined as the total load of an impairing pollutant that a water body can accommodate without exceeding water quality standards. As part of the TMDL, the state must work with all parties responsible for pollutant loading in the affected watershed to develop fair and equitable loading allocations and to implement appropriate pollution control measures necessary to achieve the specified loading levels. The TMDL then provides the foundation for state issued discharge permits required for all industries, sewage treatment plants and other point sources of pollutants causing the water quality impairments. In addition, the TMDL provides specific requirements for unregulated nonpoint source pollution sources. Maryland is currently scheduled to develop 346 TMDLs for state waters before the year 2008. In addition, under the recently expanded Chesapeake 2000 Agreement, Maryland and the other states in the Chesapeake Watershed are facing tremendous technical challenges in developing water quality goals and standards that will meet both the objectives of the Chesapeake Bay Program and the CWA and to implement the necessary pollution control measures to achieve those standards for the entire Chesapeake Bay by the year 2010.