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FIRST DISTRICT, MARYLAND

COMMITTEE ON TRANSPORTATION AND
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WATER RESOURCES AND ENVIRONMENT



Congress of the United States
House of Representatives
Washington, DC 20515
July 9, 2012

COMMITTEE ON SCIENCE, SPACE AND
TECHNOLOGY
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Michael Sanderson, Executive Director
Maryland Association of Counties, Inc.
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MACo

Dear Mr. Sanderson,

Earlier this year, you contacted me regarding your concerns surrounding the federally mandated Chesapeake Bay Total Maximum Daily Load (TMDL) requirements. Like you and all Marylanders, my five children and I cherish a clean and healthy Bay. We are privileged to live so close to this remarkable resource, and I share your commitment to preserving it for future generations. However, while well intentioned, I also agree that compliance with bay "pollution diet" regulations presents a serious and likely overwhelming financial burden for already strapped Maryland counties, especially those in the first Congressional District.

I have serious concerns about the significant unfunded mandate that TMDLs represent, passing on costs and requirements to local counties and municipalities, especially at a time of serious budgetary shortfalls. For example, Anne Arundel County estimates that it could cost up to \$1.87 billion to implement TMDL regulations, and that these costs would result in massive increases in property taxes, perhaps even doubling them. Salisbury Mayor Jim Ireton warned of individual annual water bill increases of as much as \$4,000 per family.

Real progress in conservation is most often made by partnerships between federal, state, and local efforts, rather than unfunded mandates from unelected bureaucrats. Unfortunately, in testimony before the Subcommittee on Water Resources, the assistant to the EPA administrator admitted that, in the absence of federal and state funding, local governments will nonetheless be forced to comply, potentially forcing increased taxes and possible layoffs of teachers and police officers.

While I agree that we must protect the Bay from pollutants and other toxins, TMDL requirements fail to consider a cost/benefit analysis in attempts to limit the amount of nitrogen, phosphorus, and sediment discharged in the Chesapeake Bay and each of its tributaries by different types of sources. Worse still, EPA modeling data varies widely from other studies, like that of the U.S. Department of Agriculture, calling into question the scientific validity of the information on which these historical requirements are based. As Chairman of the Energy and Environment Subcommittee of the Science, Space and Technology Committee, I am committed to providing states with the necessary flexibility at the local county level as we continue in our shared goal of preserving and protecting the Bay through cleanup efforts.

I wanted to highlight two initiatives that are taking place on the federal level on this issue. H.R. 4153, *the Chesapeake Bay Program Reauthorization and Improvement Act*, was introduced on March 7, 2012

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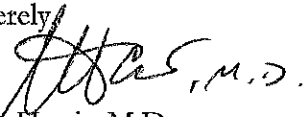
and referred to the House Committees on Transportation and Infrastructure, Agriculture, and Energy and Commerce, respectively. The bill mandates that economic and scientific assessments be considered in setting the milestones for achieving the Bay's TMDL.

Another bill, H.R. 4337, the *Chesapeake Bay State and Local Backstop Limitation Act of 2012*, was introduced on March 29, 2012 and referred to the House Transportation and Infrastructure and Agriculture Committees. This bill limits the authority of the Administrator of the Environmental Protection Agency to punish states as part of Chesapeake Bay watershed TMDLs. As a member of the House Transportation and Infrastructure Committee, I will continue to explore ways with which to efficiently and effectively make the Bay cleaner, safer and healthier. While the Committee has yet to vote on these bills, please know that I will be sure to keep your views in mind as and other related bills progress through the legislative process.

Even with these efforts, I realize that there is still much work to be done to restore the Chesapeake Bay. As you mentioned in your letter, there must be increased flexibility at the county level. While the EPA plays a role in protecting the health of our families, they have often far exceeded their intended scope to protect the environment and instead have served as an impediment to local efforts by communities, counties and states to restore the Bay.

Again, thank you for taking the time to provide me with your views regarding the Chesapeake Bay. I hope that you will feel free to contact me on any issue of importance to you, your family or MACo in the future.

Sincerely,


Andy Harris, M.D.
Member of Congress

*Flexibility at the local level
is key for these programs to
succeed, and I will work
for that flexibility.*

Andy