From:	John Backus
To:	Mark Barath
Cc:	Adam Rettig; Matthew Rowe
Subject:	Re: WQS
Date:	11/01/2011 02:51 PM

Mark,
We are still internally reviewing TierII regs and guidance with the hope of proposing some amendments early next year. We will certainly keep you in the loop on this very interesting and challenging topic. We will need the Regions support and guidance as we proceed.

As far as the restoration variances, I have been directed to amend our regulations accordingly, per the Bay Model output, consistent with the Bay TMDL. We are proceeding as we (RIII/States) already discussed during the last WQS coordinators call. The amendments are awaiting AG and Secretary approvals. As soon as I have those, I will be publishing our notice of proposed action in the Maryland Register...shooting for late December. We will have a public informational meeting during the 30-day comment period.

Tomorrow, ICPRB is presenting their work/paper to senior staff (including Bob Summers, MDE Secretary). I'm sure we will be discussing next steps.

Enjoy your time off.

John

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>>> <Barath.Mark@epamail.epa.gov> 11/1/2011 2:34 PM >>>
John:

Long time no see or hear from. Not that things affecting Maryland have gone unnoticed. Far from it. I did read through that ARRA paper and found it all very interesting. The way statistics was used to weed out the influence of confounding issues provides a pathway for dealing with noisy and often time conflicting data sets. I have distributed that report to all the RIII nutrient coordinators and to some others around the country whom have worked on data issues relating to nutrient criteria development. So what is the next step with MD on utilizing the 'lessons learned' from that ARRA analysis for flowing waters nutrient criteria development?

On another WQS front, I have heard indirectly that MDE will be soon be issuing proposed new criteria on antidegradation policies and some new Chesapeake Bay criteria Has there been any discussion on when these criteria changes will be released for consideration and comments. EPA is especially curious about the proposal for new restoration variances. There are some actions which MDE might consider taking in this restoration variance proposal. These are nothing new with previous variance having been adopted in 2005 and 2010 and are highlighted in both the 131 regs, 303(c) of CWA and the WQS handbook. If MD is proposing new standards in near future, we should probably have a chat beforehand so that we are all on the same level playing field. By we, I am including MDE managers and CBPO staff.

I will be off from this Thursday Afternoon until 14th so the best time we could do this is after I came back. Let's both check availability of people and try to arrange a conference call that or the following week.

Hope the Fall has been treating you well.

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