



NEWS RELEASE

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U.S. EPA Sets Expectations for Chesapeake Bay States and D.C. to Reduce Water Pollution

EPA AIMS TO ACCELERATE CLEANUP, INCREASE ACCOUNTABILITY, DRIVE LOCAL ACTION

The U.S. Environmental Protection Agency this week provided the six states in the Chesapeake Bay watershed and the District of Columbia with rigorous expectations for jurisdictions to reduce pollution in streams, rivers and the Bay to meet water quality standards.

EPA's expectations fulfill the mandate of President Obama's Executive Order on Chesapeake Bay Protection and Restoration, which calls for a new accountability framework that guides federal, state and local water quality restoration efforts. The expectations also are a component of the Chesapeake Bay Total Maximum Daily Load (TMDL), which will set pollution limits for point sources and nonpoint sources contributing nitrogen, phosphorus and sediment to the Bay and its tidal creeks, rivers and embayments.

EPA expects the six watershed states and D.C. to identify how they will reduce pollutant loads to levels necessary to meet water quality standards. EPA expects detailed schedules for implementing cleanup actions and achieving pollution reductions. Progress will be measured through benchmarks every two years, and EPA may impose federal consequences for inadequate plans or failure to meet the performance milestones.

"During the past 15 months, the Chesapeake Executive Council, the EPA Administrator and the President have all expressed the need for accelerating progress toward a restored Chesapeake Bay with a sharper emphasis on action and greater transparency and accountability," said William C. Early, Acting Administrator for EPA's Mid-Atlantic Region. "EPA's expectations for states and D.C. are a key element of this new era of ecosystem restoration."

EPA expects that the states and D.C. will provide specific timelines for enhancing programs and implementing actions to reduce pollution, with all measures needed to reach the pollution load limits in place no later than 2025. By December 2010, the states and D.C. are expected to identify gaps in current programs that must be addressed to meet pollution limits, which could be accomplished by expanding regulatory authorities,

improving compliance with existing regulations, securing additional financial resources and issuing more stringent permits for wastewater facilities.

By 2011, EPA expects the states and D.C. to divide their allocated pollution reductions to the local level so that counties, municipalities, conservation districts and watershed organizations understand their role in meeting water quality goals. EPA expects that by 2017 pollution controls will be in place that should result in approximately 60 percent of the required reductions. States and D.C. must also offset any increased loads from population growth and land use changes anticipated in the coming decades.

While EPA has rigorous expectations for the states and D.C. to reduce water pollution, the jurisdictions are provided flexibility in how they achieve those reductions. Plans for achievement, however, should include a level of detail that creates a high degree of accountability for reducing water pollution, including assurance that permits will be issued to be consistent with the plans and TMDL pollution allocations. To increase accountability, the six Bay states – Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia – and D.C. will demonstrate progress toward implementing pollution controls through two-year milestones.

If plans are inadequate or progress is insufficient, EPA may impose federal consequences that will be identified later this fall. Consequences may include assigning more stringent pollution reduction requirements to point sources, objecting to state-issued National Pollutant Discharge Elimination System permits, prohibiting new or expanded pollution discharges, and withholding or reallocating federal grants.

The states and D.C. will begin developing plans using preliminary target loads for nitrogen and phosphorus for the entire watershed and by major river basin, which were recommended by federal and state water quality experts and approved in October by the Chesapeake Bay Program's Principals' Staff Committee, comprised largely of state secretaries of natural resources, environment and agriculture.

Lowering pollution loading to the Bay to the preliminary target loads of 200 million pounds of nitrogen and 15 million pounds of phosphorus per year should result in meeting of the states' and D.C.'s Bay water quality standards for dissolved oxygen, a key indicator of aquatic ecosystem health. These preliminary target loads for pollution will likely be revised several times before the Bay TMDL is finalized due to further scientific and technical analysis; additional deliberation among the states, D.C. and EPA; and input from the public.

EPA expects to establish the final Chesapeake Bay TMDL by December 31, 2010. EPA officials are currently discussing the TMDL at a series of 15 public meetings around the watershed that run from Nov. 4 to Dec. 17. For more information on the Chesapeake Bay TMDL, visit www.epa.gov/chesapeakebaytmdl/

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