



Center for Progressive Reform Editorial Memorandum:

Chesapeake Bay TMDL in Peril

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A key milestone approaches in the decades-long effort to restore the Chesapeake Bay to a healthy state. By 2017, the seven Bay jurisdictions — Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia — must put practices in place to reduce millions of pounds of nutrient and sediment pollution loads to the Bay. EPA developed the specific pollution-reduction goals as part of the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) in 2010. Since then, the states have worked to comply — with varying degrees of diligence and success — on their way to even greater reductions by 2025.

While some states are in a position to meet their overall 2017 targets, Pennsylvania's utter failure to limit pollution from its agricultural sector endangers the entire effort. To gauge progress toward the 2017 and 2025 goals, a regional partnership of state and federal agencies called the Chesapeake Bay Program uses an elaborate computer model to predict actual pollution loads into the Bay. Unfortunately, the most recent model data demonstrates that serious trouble is ahead. In a [new Center for Progressive Reform report](#), we analyze the model's most recent data and conclude that watershed-wide Bay clean-up efforts are off track.

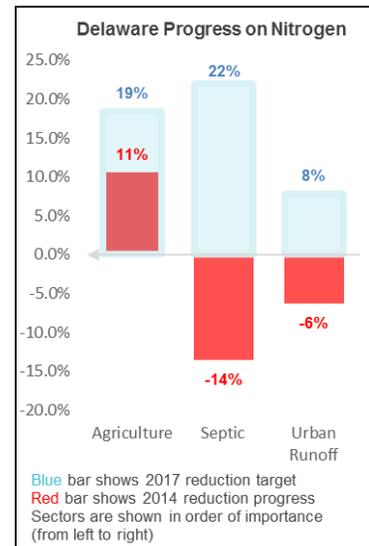
Bay-wide, much of the progress made in the states that are on track to meet their overall 2017 goals has come largely from a single sector — wastewater treatment. But those wastewater pollution reductions represent "low-hanging fruit" that has now been picked. Further substantial progress in the area is simply not available, meaning that the states will need progress in the other major sectors — agriculture, stormwater, and septic systems. To date, they have done too little to achieve such reductions. As a result, while many states could well reach the interim 2017 TMDL targets, they are poorly positioned to reach the 2025 goals. In fact, to meet those goals, every state — most significantly Pennsylvania — will need to implement significant policy reforms, clamping down on the diverse sources of pollution flowing into the Bay. If they do not, or to put it more precisely, if EPA does not motivate them to redouble their efforts, the Bay TMDL will fail to achieve its overall goals in 2025— marking the third time that federal and state governments have broken their promises to the people of the Bay region.

Unfortunately, EPA has been quite reluctant to use all the tools in its enforcement toolbox. As we write in our report:

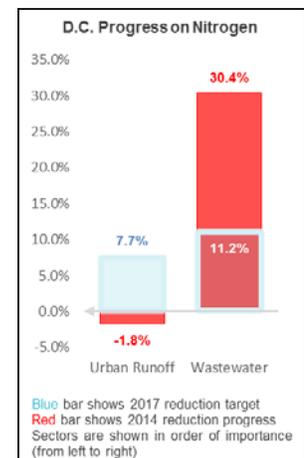
[If EPA] does not impose effective consequences on lagging states, it will set Bay restoration up for another failure, a result with tragic consequences both for one of the world's most valuable natural resources and for the health of local waters in thousands of communities in the watershed. The largely business-as-usual approach that continues today for jurisdictions implementing the TMDL threatens to undermine the last and best hope for finally restoring the Bay. Unless and until EPA resolves to address ongoing annual shortfalls in pollution reduction progress with an appropriate sense of urgency, the whole Bay TMDL framework could gradually disintegrate.

In releasing our report, we also sent letters to the governors of each Bay state and to the mayor of the District of Columbia, urging state specific reforms. Below, we highlight in brief what we found, state-by-state. (Click through for our complete analysis for each state.) We find:

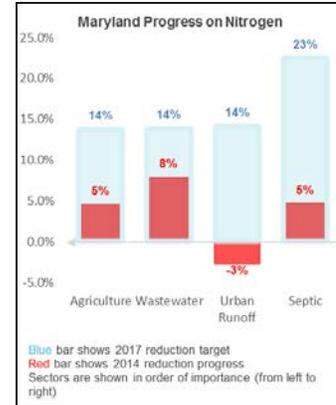
- [Delaware](#) has made some progress but must double down on its efforts to reduce nutrient pollution from poultry litter and agricultural runoff generally to meet its 2017 goals. [See [letter to Delaware governor](#).]



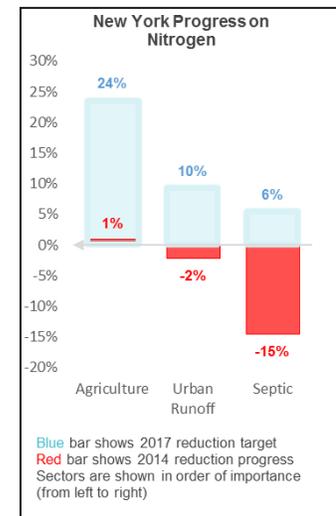
- The [District of Columbia](#) will meet its nitrogen reduction goals because of significant investments in the Blue Plains wastewater treatment plant, but the District will need to address stormwater runoff to meet each of its 2025 goals. [See [letter to D.C. mayor](#).]



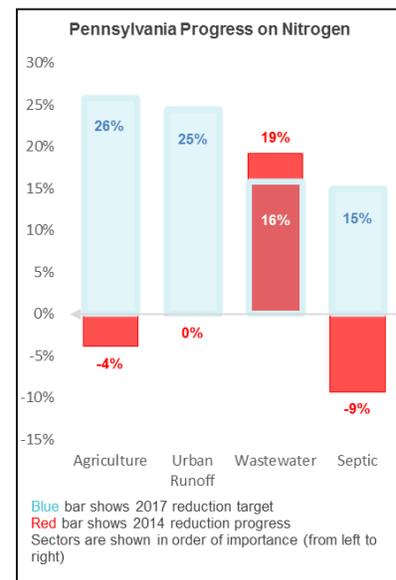
- [Maryland](#)'s major investments in municipal wastewater treatment plants will likely be sufficient to put the state on track to meet its overall 2017 goals, but if the state is to fully comply with the Bay TMDL by 2025 it will need to address pollution from other sectors, which remain well behind their goals for 2017 and 2025. [See [letter to Maryland governor](#).]



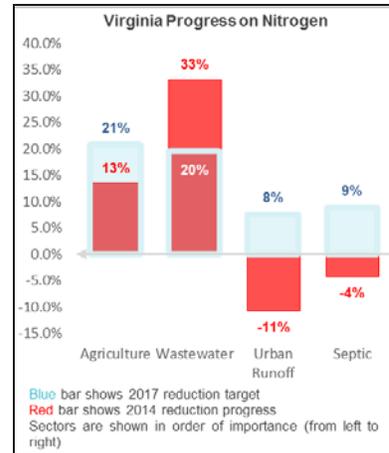
- [New York](#) is one of only two states going backwards in reducing nitrogen pollution under the Bay TMDL, and its lack of progress, particularly in the agricultural sector, continues to degrade the waters of the state's Southern Tier. [See [letter to New York governor](#).]



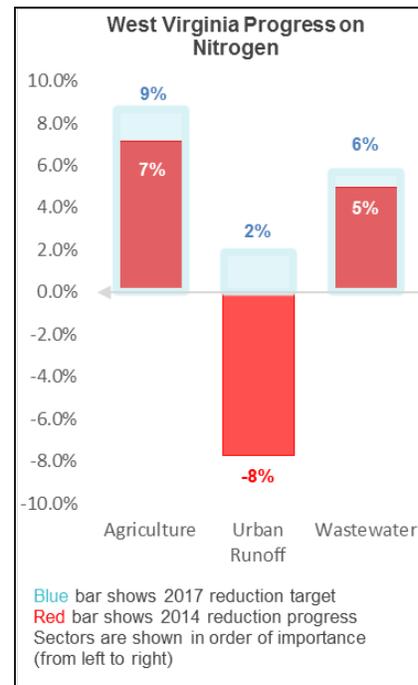
- [Pennsylvania](#) has almost no chance to achieve its Bay TMDL 2017 interim nitrogen reduction goals due to unacceptably high pollution loads from agriculture, stormwater and septic systems. [See [letter to Pennsylvania governor](#).]



- [Virginia](#) is on track to meet its overall 2017 interim nitrogen reduction goals, but the wastewater pollution reductions that have made that possible will not be enough to reach 2025 goals. [See [letter to Virginia governor](#).]



- [West Virginia](#) has made modest progress toward meeting the Bay TMDL's 2017 interim goals for nitrogen, but is far behind on issuing permits to concentrated animal feeding operations and implementing nutrient management plans. Taking these actions to reduce agricultural pollution and upgrades to additional wastewater treatment plants could position the state to meet 2017 goals. [See [letter to West Virginia governor](#).]



[You can download the entire report, [Countdown to 2017: Five Years In, Chesapeake Bay TMDL at Risk Without EPA Enforcement](#).]

In our judgment, the Bay-wide and many local TMDLs represent the last best hope to restore the Chesapeake Bay to health. If the states fail now, we may never achieve this vital goal for the Bay and for local waters throughout our region.

I hope you'll be able to find space for this important issue on your editorial pages. If you'd like to discuss the report's findings, please email or call Matt Freeman at 202-747-0698 or mfreeman@progressivereform.org. Thanks for your attention.

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