



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III- OFFICE OF PUBLIC AFFAIRS
1650 Arch Street Philadelphia, Pennsylvania 19103-2029
Phone - 215/814-5100 Fax - 215/814-5102

EPA Environmental News

Contact: David Sternberg 215-814-5548 sternberg.david@epa.gov

EPA Establishes Landmark Chesapeake Bay ‘Pollution Diet’ *Provides Greater Accountability For Restoring Bay and Region’s Waterways*

PHILADELPHIA (Dec. 29, 2010) The U.S. Environmental Protection Agency today established a landmark “pollution diet” to restore clean water in Chesapeake Bay and the region’s streams, creeks and rivers. This pollution diet is driven primarily by jurisdictions’ plans to put all needed pollution controls in place by 2025 and EPA will hold jurisdictions accountable for results along the way.

The pollution diet, formally known as the Chesapeake Bay Total Maximum Daily Load (TMDL), identifies the necessary reductions of nitrogen, phosphorus and sediment from Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia. The TMDL is shaped by an extensive public and stakeholder involvement effort during the past two years, coupled with detailed plans by jurisdictions for how they will achieve pollution reductions.

To address deficiencies in draft plans submitted by jurisdictions in September, EPA worked closely with the jurisdictions during the past several months. As a result of this cooperative work and through strong state leadership, the final plans were significantly improved. EPA was able to reduce and remove most federal backstop measures that were in the draft TMDL, while still maintaining rigorous accountability through enhanced oversight and the availability of contingency actions. The result is a TMDL that is primarily shaped by the jurisdictions’ plans to reduce pollution, which has been EPA’s goal from the outset.

"Today is an historic day for the decades-long effort to restore Chesapeake Bay. In the past two years we have made huge strides that will yield real results for millions of people who rely on the Bay for their livelihood and way of life. Now we begin the hard work of implementing this pollution diet and building on the last two years," said EPA Administrator Lisa P. Jackson. "We're very pleased with efforts of state officials that helped get us to this point. We will continue to provide strong oversight and transparency to ensure accountability and ensure progress continues."

Among the significant improvements in jurisdiction plans are:

- Committing to more stringent nitrogen and phosphorus limits at wastewater treatment plants, including on the James River in Virginia. (Virginia, New York, Delaware)
- Pursuing state legislation to fund wastewater treatment plant upgrades, urban stormwater management and agricultural programs. (Maryland, Virginia, West Virginia)
- Implementing a progressive stormwater permit to reduce pollution. (District of Columbia)
- Dramatically increasing enforcement and compliance of state requirements for agriculture. (Pennsylvania)

- Committing state funding to develop and implement state-of-the-art-technologies for converting animal manure to energy for farms. (Pennsylvania)
- Considering implementation of mandatory programs for agriculture by 2013 if pollution reductions fall behind schedule. (Delaware, Maryland, Virginia, New York)

The TMDL still includes targeted backstops for those jurisdictions that did not meet all of their target allocations or did not meet EPA's expectations for providing reasonable assurance that they will achieve the necessary pollution reductions. These included backstop allocations and adjustments for the wastewater sector in New York, the urban stormwater sector in Pennsylvania and the agriculture sector in West Virginia.

In addition, EPA will provide enhanced oversight of Pennsylvania agriculture, Virginia and West Virginia urban stormwater, and Pennsylvania and West Virginia wastewater. If the jurisdictions don't make sufficient progress, EPA may utilize contingencies that include additional controls on permitted sources of pollution, such as wastewater treatment plants, large animal feeding operations and municipal stormwater systems.

EPA will also regularly oversee each of the jurisdictions' programs to make sure they implement the pollution control plans, remain on schedule for meeting water quality goals and achieve their two-year milestones. This oversight will include program review, objecting to permits and targeting compliance and enforcement actions as necessary to meet water quality goals.

The pollution diet calls for a 25 percent reduction in nitrogen, 24 percent reduction in phosphorus and 20 percent reduction in sediment. The TMDL - which sets Bay watershed limits of 185.9 million pounds of nitrogen, 12.5 million pounds of phosphorus and 6.45 billion pounds of sediment per year - is designed to ensure that all pollution control measures to fully restore the Bay and its tidal rivers are in place by 2025, with at least 60 percent of the actions completed by 2017.

EPA has also committed to reducing air deposition of nitrogen to the tidal waters of the Chesapeake Bay from 17.9 to 15.7 million pounds per year. The reductions will be achieved through implementation of federal air regulations during the coming years.

Federal agencies will contribute to restoration efforts, particularly through implementation of the federal strategy created under President Obama's Executive Order. Eleven federal agencies have committed to a comprehensive suite of actions on the same 2025 timeline as the TMDL. As part of this work, federal agencies will be establishing two-year milestones that directly support the jurisdictions' activities to reduce water pollution.

During the 45-day public comment period on the draft TMDL, EPA received more than 14,000 comments - most of which supported the TMDL - and conducted 18 public meetings. The agency's response to those comments is included as an appendix to the TMDL.

Despite all of the extensive restoration efforts during the last 25 years, the TMDL was prompted by insufficient progress in restoring the Bay. The TMDL is required under federal law and responds to consent decrees in Virginia and D.C. dating back to the late 1990s. The TMDL, as well as evaluations of the state plans and EPA backstops and contingencies can be found at <http://www.epa.gov/chesapeakebaytmdl>