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**Chesapeake Bay State Milestones**

**Jurisdictions Must Keep Up with the Pollution Diet**

The federally led plan to restore the Chesapeake Bay, known as the total maximum daily load (TMDL) or pollution diet, requires jurisdictions within the Bay watershed to stick to strict cleanup deadlines, stretching out over more than a decade. Under the plan, the six Bay states and Washington, D.C., must have in place 60 percent of all the measures needed to reduce nitrogen, phosphorous, and sediment deposition in the Bay and its tributaries by 2017. By 2025, 100 percent of those measures are due.

To make sure the deadlines are met, jurisdictions develop two-year milestone commitments. On June 26th, 2014, EPA released a series of reports responding to these commitments. The agency found that planned reductions in nitrogen fell short of reaching the 2017 target by nearly 6 million pounds. In addition, EPA found Pennsylvania’s failure to rein in pollution particularly concerning since the state is the source of about half of the nitrogen that makes its way into the Bay.

In a new [CPR Issue Alert](http://www.progressivereform.org/articles/ChesBay2yrMilestoneIssueAlert1405.pdf), CPR President Rena Steinzor and Policy Analyst Anne Havemann break down each jurisdiction’s progress and upcoming challenges in meeting the TMDL. They applaud EPA for creating consequences for jurisdictions that are falling behind, from conditioning grants to enhancing oversight of a sector — agriculture, for example. They write that jurisdictions that are not on track to meet the pollution diet must face consequences if we are to achieve any progress in restoring the Chesapeake Bay.

***Most States Are Off Track***

Of the seven jurisdictions subject to the pollution diet (Delaware, the District of Columbia, Maryland, Pennsylvania, New York, Virginia and West Virginia), EPA found the milestones submitted by Pennsylvania and Delaware to be the least sufficient, although none of the states escaped criticism. According to EPA:

* **Pennsylvania’s** plans for reducing stormwater pollution were not on track.
* **Pennsylvania** has also failed to rein in pollution from farms, which is particularly significant because Pennsylvania is the source of about half of the nitrogen that makes its way into the Bay and the state is counting on achieving 75 percent of its necessary reductions from the agriculture sector.
* **Delaware** has fallen behind on permitting industrial animal farms and wastewater treatment plants.
* EPA faulted both **Delaware** and **Pennsylvania** for sitting on substantial sums of already-awarded grant money, and called on them to use it to get their programs back on track.
* **Washington, D.C.** is not on track to reduce nitrogen and sediment and EPA directed the city to speed up tree plantings and redevelopment projects.
* **Maryland** has fallen behind on reissuing expired stormwater permits and is not on track to meet that sector’s 2017 pollution-reduction goals.
* **New York’s** pollution-reduction goals from the wastewater sector were insufficient, significantly lower than any other states’ goals.
* **Virginia** was falling behind in permitting for stormwater, industrial animal farms, and construction projects.
* **West Virginia** had failed to adequately plan for the impacts of new development on its stormwater sector.
* EPA also found that **all states** except Virginia lacked the ability to accurately track implementation efforts.

**Consequences for Cleanup**

For three decades, the states within the Chesapeake Bay watershed collaborated their way to nowhere, inking voluntary agreements to clean up the Bay that resulted in very little actual progress. Then the Obama administration’s Environmental Protection Agency (EPA) stepped up to the plate, issuing a TMDL for the Chesapeake.

What sets the TMDL process apart from the earlier, ineffective cooperative agreements is that the TMDL has teeth. With these evaluations, EPA demonstrated its willingness to use its teeth. On the strength the agency’s newly released assessment, it will immediately increase its oversight of Pennsylvania’s agriculture sector. The agency proposed increasing its oversight of specific sectors in Delaware, Maryland, and Virginia unless the states meet certain conditions. EPA also threatened to withhold future grant money unless Delaware, Maryland, Pennsylvania, and Virginia meet specific conditions and deadlines.

The TMDL process is steadily marching toward the finish line. By getting serious about the states’ weak Bay restoration commitments, EPA is playing a critical role in ensuring that each state keeps up.

* ***Read the Issue Alert****:* [*Consequences for Cleanup: EPA Gets Serious about Weak Watershed Improvement Plans*](http://www.progressivereform.org/articles/ChesBay2yrMilestoneIssueAlert1405.pdf)*, CPR Issue Alert #1405, by CPR President Rena Steinzor and Chesapeake Bay Policy Analyst Anne Havemann, July 2014.*
* ***Read the reports****as* [*released by EPA in June 2014*](http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/RestorationUnderway.html)*.*

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