

Chesapeake Bay Foundation to sue EPA, seeking crackdown on Pennsylvania pollution

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The Chesapeake Bay Foundation said Monday it is preparing a lawsuit

against the Environmental Protection Agency, following Maryland in seeking to force a federal crackdown on Pennsylvania for the pollution it sends downstream to the estuary.

The nonprofit said EPA must be held accountable to its role overseeing environmental cleanup efforts across the bay's 64,000-square-mile watershed. An EPA official raised alarm among bay advocates earlier this month when he said a bay restoration blueprint was an aspirational goal and not an enforceable agreement.

"That EPA is abdicating its responsibility under the Clean Water Act is a tragedy. Failing to hold Pennsylvania accountable undermines the success we have seen in recent years," William C. Baker, president of the bay foundation, said in a statement. "It is snatching defeat from the jaws of victory."

Maryland is preparing its own lawsuit against EPA and Pennsylvania, on Republican Gov. Larry Hogan orders. A spokeswoman for Attorney General Brian Frosh, who has sued President Donald Trump's administration repeatedly over rollbacks in environmental regulations, said she could not comment on the status of that litigation.

Neither state nor bay foundation officials would say whether they plan to take [legal action](#) jointly. Jon Mueller, the bay foundation's vice president of litigation, said the organization is "in discussion with a range of potential partners concerning the [legal strategies](#) we can use to force EPA to comply with the law."

EPA officials said in a statement they are committed to ensuring that the bay watershed meets a 2025 deadline to achieve pollution reduction targets laid out in the bay restoration plan.

"EPA's authorities for restoring the water quality of the Chesapeake Bay

come from the Clean Water Act. These authorities have not changed—we have used them historically, including in the past three years—and will continue to do so," spokeswoman Terri White said in an email. The bay cleanup plan dates to 2010, when the six states in the watershed plus the District of Columbia agreed to adopt policies and strategies to reduce the amount of nutrients and other pollutants that wash into the bay. Nitrogen and phosphorus present in farm and lawn fertilizers and sewage pollution harm aquatic vegetation and creatures by clouding waters and stripping them of dissolved oxygen.

The agreement came out of a 2009 lawsuit the bay foundation and other organizations filed, demanding EPA enforce the Clean Water Act in the Chesapeake watershed.

EPA facilitated that agreement and serves as an enforcer, reviewing states' plans and helping steer them toward strategies that will have the biggest positive impact on the Chesapeake. But bay advocates and Maryland officials have criticized the agency and Pennsylvania because its latest cleanup plan falls 25% short of the commonwealth's nitrogen reduction targets and lacks more than \$300 million in funding needed to carry out its work.

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