



## **Board of Directors**

John Applegate  
Alyson Flournoy  
Robert Glicksman  
David Hunter  
Alice Kaswan  
Alexandra Klass  
Thomas McGarity  
Sidney Shapiro  
Amy Sinden  
Robert R.M. Verchick

## **Advisory Council**

Patricia Bauman  
Frances Beinecke  
Eula Bingham  
W. Thompson Comerford, Jr.  
Sally Greenberg  
John Passacantando  
Henry Waxman  
Robert Weissman

February 3, 2016

*By First Class Mail and Electronic Mail*

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20460

Dear Administrator McCarthy,

EPA's leadership in formulating and supervising implementation of the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) has been exemplary, and we admire and applaud the efforts made thus far by you and your staff at headquarters, in Region 3, and at the Chesapeake Bay program. You have all endured entrenched resistance from special interest groups that are fundamentally opposed to the essential pollution reductions that the Bay TMDL requires. As supporters of those requirements who understand that this effort may well be the last chance to restore water quality in one of the nation's most important waters, we thank you for staying the course in court, before Congress, and in the states.

As you know, we are approaching the midpoint of the groundbreaking 16-year plan to reduce nitrogen, phosphorus, and sediment loads to the Chesapeake Bay. EPA always anticipated that this milestone would be a moment of truth for the Bay TMDL because it would provide you with an opportunity to make mid-course corrections if individual states were not fulfilling their commitments. Unfortunately, our careful examination of available data indicates that the states, especially and most notably Pennsylvania, have fallen so far behind in their compliance commitments that the entire effort is in jeopardy. Indeed, unless and until you motivate the states to take the actions they promised to accomplish, the Bay TMDL will be a failure.

We have enclosed a copy of the report we are releasing today entitled *Countdown to 2017: Five Years In, Chesapeake Bay TMDL at Risk Without EPA Enforcement*, which reviews each state's performance. We have also enclosed individual letters to the governors of each state that we wrote to urge them to redouble their restoration efforts. Our report shows that Pennsylvania has not only failed to make progress in reducing nutrient pollution, but that in the agricultural sector such pollution has actually *increased* over the last five years. Other states have also fallen behind in meeting their commitments. For example, no jurisdiction has made any significant progress on reducing stormwater pollution.

Our ultimate conclusion is that unless you warn the states, especially Pennsylvania, in no uncertain terms that they will face the more stringent consequences you have originally established for failure to meet their Bay TMDL milestone commitments, the restoration effort is doomed to fail. Or, in other words, any objective reading of the data shows that without your very strong intervention, we can know today what will happen in 2025: yet another broken promise to the people of the Bay states.

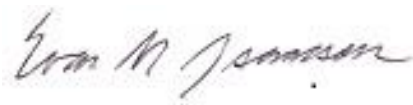
The recent water crises in Flint, Toledo, Des Moines, and many other communities around the country are calls to action, reminders of the costs of ignoring our nation's thousands of impaired watersheds. Restoring the Chesapeake under the Bay TMDL is not possible without vigilance from the Office of Enforcement and Compliance Assurance (OECA), Region 3, and yourself.

We thank you for your attention to this important matter.

Sincerely,



Rena Steinzor  
Past President and Member Scholar, Center for  
Progressive Reform



Evan Isaacson  
Chesapeake Bay Policy Analyst  
Center for Progressive Reform

cc: Shawn M. Garvin, Region 3 Administrator  
Cynthia Giles, Assistant Administrator Office of Enforcement and Compliance Assurance