



Virginia Environmental Law

Not Everyone Likes the EPA's Chesapeake Bay Limits

By: Ann Neil Cosby. *Wednesday, August 3rd, 2011*

While stakeholders in Virginia may ***strongly*** disagree with the form and substance of the [Environmental Protection Agency's](#) (EPA) efforts to mandate a cleaner [Chesapeake Bay](#), groups from other states have decided to challenge the Environmental Protection Agency and the [Total Maximum Daily Load](#) standards set in place by the agency last year as part of their renewed focus on a healthier Chesapeake Bay. You can find more on the specifics of the limits at [our prior blog posts](#).

Up in Pennsylvania, the [American and Pennsylvania Farm Bureaus](#) are taking the position that the limits will idle thousands of acres of farmland, drive up produce market costs and eliminate agricultural jobs. They have [sued the EPA](#) alleging that the agency is deliberately circumventing Congress's decision to leave the local controls over the Bay watershed to the states through the Clean Water Act.

The [National Association of Homebuilders took the same tack in a suit](#) it filed, also in Pennsylvania. They claim that the limits will make residential and commercial building permits more difficult to obtain, constrain land use and further hobble the construction industry. Action in both cases is pending.

While Virginians may disagree as to the validity of the claims made by her northern brethren, it cannot be denied that, notwithstanding the efforts of all of the Bay States and the District of Columbia, this summer the [Bay has shown the largest dead zone ever](#) – one which is traced back to the same pollutants that the EPA is trying to restrict.

Virginia's been no cakewalk for the EPA either, with charges from both Governor McDonnell and Attorney General Cuccinelli that the agency has used sloppy data and over-reaching regulation to interfere with and alarm state residents. Even so, the [Governor embraced the recent EPA assertions](#) that the state was meeting its goals from 2009, made at a meeting of the Chesapeake Executive Council held last month at [Maymont](#).

It remains to be seen if these legal challenges will manage to blunt the efforts of the EPA. What do you think of these challenges to the EPA's authority and mandates? Should Virginia do the same?

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