

Virginia Environmental Law

EPA Sets Accountability Framework for Chesapeake Bay cleanup

By: Ann Neil Cosby. *This was posted Thursday, December 31st, 2009*

Since May 2009, when President Obama issued [Executive Order 13508: Chesapeake Bay Protection Restoration](#) and a new federally mandated cleanup initiative for the Chesapeake Bay was born, it has been unclear what consequences might be imposed by EPA if the states did not meet the new clean up requirements. Now we know.

On December 29, 2009, in a [letter to the six states](#) in the Bay watershed and the District of Columbia, EPA's "accountability framework" was revealed. The framework is in addition to the [EPA requirements set forth in November, 2009](#), when standards for the implementation of Watershed Implementation Plans were set, and milestones towards achieving the goals of those plans were established.

The [identified enforcement actions](#) that may be taken if adequate progress towards plans and milestones is not made include: EPA's expanding coverage of NPDES permits to currently unregulated sources and/or increasing federal oversight of state NPDES permitting; requiring additional pollution reductions from point sources (i.e. wastewater treatment plants); increasing federal enforcement and compliance; require net improvement offsets; conditioning or redirecting EPA grants; revising water quality standards for local and downstream water, and establishing finer scale load allocations in the final Bay TMDL than those proposed by the states and D.C.

So now it is clear. If the states and D.C. cannot develop their own water quality and permitting standards and criteria to meet the aggressive limitations previously set by EPA, then EPA will do it for them. But is the threat of federal mandates, and the other "accountability measures" enough? Is it a realistic framework? Will it work any better than federal oversight in the past?

<http://vaenvironmentallaw.com>

[Richmond](#) • [Blacksburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [Mclean](#)

Copyright Sands Anderson Marks & Miller, PC.