



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contacts:
press@oag.state.md.us
410-576-7009

Proposed Settlement Reached in Lawsuit Against the EPA for Water Pollution Generated in Pennsylvania

BALTIMORE, MD (April 21, 2023) – Maryland Attorney General Anthony G. Brown and Maryland Department of the Environment Secretary Serena McIlwain today announced that a [proposed settlement](#) has been reached with the Environmental Protection Agency (EPA) in a 2020 lawsuit filed by the Maryland Attorney General’s Office, as well as the Attorneys General of the District of Columbia, Delaware, and Virginia, over EPA’s failure to require Pennsylvania to develop and implement plans to achieve 2025 Chesapeake Bay restoration goals. In addition to that lawsuit, the settlement would resolve a similar suit filed by the Chesapeake Bay Foundation (CBF) and other local partners. The public will have 30 days to comment on the proposed settlement before it can be finalized.

The 2020 lawsuit is about accountability and ensuring that EPA upholds requirements that Pennsylvania meet its obligations under the multi-state Chesapeake Bay restoration program and the [Chesapeake Bay Watershed Agreement](#) to reduce pollution levels to restore local waters and the Bay in the allotted time frame. Under the Clean Water Act, EPA has a duty to “ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain” the Bay Total Maximum Daily Load (TMDL), a comprehensive “pollution diet” aimed at restoring clean water in the Bay States that sets limits for nitrogen, phosphorus, and sediment pollution. Maryland, including the Maryland Department of the Environment, and its partners alleged that EPA failed to require Pennsylvania to develop and implement plans that fully meet its pollution reduction goals.

“Marylanders deserve a clean and healthy Chesapeake Bay. The Bay and its local waterways are vital social, economic, and cultural resources to communities across Maryland, but keeping them healthy is difficult when pollution from Pennsylvania washes downstream,” said Attorney General Brown. “The Chesapeake Bay Watershed Agreement only works if all the states that signed it maintain their commitment to restoring and protecting the Bay.”

“This agreement strengthens our long standing Bay Partnership in a time where we all need to be doing more to reach our shared clean water goals,” said Secretary McIlwain. “We look forward to working in partnership with EPA and our neighboring states to see that communities throughout the watershed benefit from our actions toward a cleaner and healthier Bay.”

The settlement will require EPA to, among other things, identify sources of agricultural and stormwater runoff in Pennsylvania that are potentially subject to federal permitting, prioritizing those areas that contribute the most pollution to local waterways. EPA has also agreed to increase compliance and enforcement efforts, especially in those priority areas, and develop ways to reduce the number of permits issued by the Pennsylvania Department of Environmental Protection that are administratively extended.

The Chesapeake Bay is the largest estuary in the United States, is home to thousands of plant and animal species, and is an invaluable cultural and economic resource for Maryland and the surrounding region. Protecting the Bay's watershed, which spans 64,000 square miles and crosses Maryland, Virginia, the District of Columbia, Delaware, Pennsylvania, New York, and West Virginia, presents unique challenges because water from each of those states flows into the Bay, bringing significant amounts of pollution with it. Over the decades, the Bay's water quality and productivity have diminished, primarily because of pollution. The watershed states and the federal government have long worked together to both restore the health of the Bay and protect it from further damage.

<https://www.marylandattorneygeneral.gov/press/2023/042123b.pdf>