



choose **clean** water

May 6, 2010

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Jackson:

Last May when President Barack Obama issued the Executive Order on Chesapeake Bay Protection and Restoration, it signaled a new era of federal leadership. We recognize the important role you played in making this possible. As the anniversary of the Order approaches, our expectations are high that restoring the Bay remains a top priority for you and the Administration. As chair of the Federal Leadership Committee, EPA must continue to exercise leadership and authority to the fullest so that genuine progress is made in restoring the hundreds of rivers and streams that flow into the Chesapeake Bay as well as the Bay itself.

Many of us have already submitted comments from our individual organizations, but as members of the Choose Clean Water Coalition, we want to stress the following points prior to the release of the Strategy for Protecting and Restoring the Chesapeake Bay on May 12, 2010. For this Strategy to succeed, it must contain the following, at a minimum:

- ***Watershed Implementation Plans: Robust Requirements, Tough Consequences***

In order to create meaningful plans to show how pollution limits will be met, EPA must clearly articulate expectations of the new Watershed Implementation Plans (WIPs) and honor its commitment to undertake careful, detailed reviews of jurisdictions' submissions when they are received. The WIPs are a crucial component of the new accountability framework because they demonstrate how jurisdictions, the six Chesapeake Bay states and the District of Columbia, will achieve the Bay-wide Total Maximum Daily Load (TMDL) by reducing pollutants from all sources and sectors. EPA must also honor its commitment to impose consequences for inadequate WIPs – and for future failure to adequately implement them.

- ***Achievement of Two-Year Milestones: High Expectations***

EPA must assess the two-year milestones being developed by Bay jurisdictions to determine if they demonstrate real progress in reducing nutrient pollution, namely by achieving the interim goal of having controls in place by 2017 to achieve 60% of pollution reductions, and the final goal of having 100% of the controls in place by 2025. EPA must also communicate clearly to Bay jurisdictions that it expects them to achieve two-year milestones, consistent with pollution limits of the Bay-wide TMDL, and that it will invoke consequences for non-achievement.

- ***Regulations: Identifying Weaknesses, Closing Gaps***

EPA must promulgate new regulations to close gaps in the existing regulatory scheme, such as the numerous concentrated animal feeding operations (CAFOs) that fall outside the permit requirements, or the high levels of pollution from sites that are not covered by stormwater permits. However, the promulgation of new regulations must be undertaken concurrently with the exercise of existing authorities and *not* be an excuse for delay. There are considerable water quality gains to be realized from committed enforcement of current state and federal laws. Working with states to achieve reductions from significant pollution sources using existing enforcement authorities must remain an urgent priority.

- ***Conserving Treasured Landscapes: Protecting the Places that Matter Most***

Establishing a strong program to preserve Treasured Landscapes is critical to both the ecological health of the Chesapeake Bay region and to the ability of citizens to enjoy many of these unique areas. There have been many threats to unique Civil War battlefield sites, to mature forests and to the region's rich agrarian history. Many of these threats will have severe environmental impacts and close off more natural areas available for public enjoyment. The federal agency partners should ensure that there is a concerted effort to preserve these unique Treasured Landscapes and to ensure that public access to these areas is preserved and enhanced. As part of the program, we would like to see the establishment of near term goals for identifying specific landscapes for protection.

Much of this work depends on the timely development of the Bay-wide TMDL. **We fully expect EPA and its partners to honor its commitment to complete the TMDL by the December 2010 deadline.** The Chesapeake Bay is an invaluable natural resource whose restoration has the potential to serve as a national model. Under your leadership, we believe this potential will be realized. We commend you again for strong leadership in protecting our local waters upstream, and we look forward to working with you to ensure a healthy, vibrant, and restored Bay downstream.

Sincerely,

Members of the Choose Clean Water Coalition

American Rivers

Anacostia Watershed Society

Audubon Maryland-DC

Baltimore Harbor Waterkeeper

Chapman Forest Foundation

Chesapeake Bay Foundation

Chester River Association

Citizens for a Fort Monroe National Park  
Citizens for Pennsylvania's Future (PennFuture)  
Corsica River Conservancy  
Delaware Nature Society  
Environment America  
Environment Maryland  
Environment Virginia  
Environmental Working Group  
Float Fishermen of Virginia  
Friends of Dyke Marsh  
Friends of Lower Beaverdam Creek  
Friends of the Rivers of Virginia  
Izaak Walton League  
Lower Susquehanna Riverkeeper  
Lynnhaven River NOW  
Maryland League of Conservation Voters  
Mattawoman Watershed Society  
National Parks Conservation Association  
Natural Resources Defense Council  
National Wildlife Federation  
Peach Bottom Concerned Citizens Group  
PennEnvironment  
Pennsylvania Council of Churches  
Pennsylvania Farmers Union  
Pennsylvania Organization for Watersheds and Rivers  
Potomac Conservancy  
Potomac Riverkeeper

Restore America's Estuaries

Shenandoah Riverkeeper

Southern Environmental Law Center

St. Mary's River Watershed Association

Virginia League of Conservation Voters

West Virginia Rivers Coalition

West/Rhode Riverkeeper

Western Clinton Sportsmen Association

cc: Federal Leadership Committee  
Shawn Garvin, EPA Region 3 Administrator  
Chuck Fox, Senior Advisor on Chesapeake Bay and Anacostia River  
Chesapeake Executive Council  
Principals' Staff Committee