

PA Environment Digest

An Update On Environmental Issues In PA

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Federal Court Upholds Chesapeake Bay Cleanup Blueprint

Pennsylvania Federal Judge Sylvia Rambo Friday issued a ruling [upholding Bay cleanup efforts](#), and rejecting the arguments of the Farm Bureau the National Homebuilders Association, and other big agriculture interests.

The ruling affirmed the U.S. Environmental Protection Agency, working with the states, has the authority to set science-based pollution limits.

“This is a great day for clean water in the region, there could be no better outcome,” said [Chesapeake Bay Foundation](#) President William C. Baker. “CBF and our partners respectfully salute the thoughtful legal decision making by Judge Rambo, the presiding federal judge in the United States District Court for the Middle District of Pennsylvania.”

Less than two weeks after EPA established pollution limits for the Bay, as required by the Clean Water Act for any body of water not meeting specific water quality standards, The American Farm Bureau Federation and the Pennsylvania Farm Bureau filed a complaint in federal court to throw out the limits – known legally in the Clean Water Act as a Total Maximum Daily Load or TMDL.

Not long after the original complaint was filed, the two initiating groups were joined by the National Association of Home Builders, the National Chicken Council, the National Corn Growers Association, the National Pork Producers Council, the National Turkey Federation, The Fertilizer Institute, and the U.S. Poultry & Egg Association.

CBF and its partners intervened in the lawsuit to protect the clean up. The partners included Citizen’s for Pennsylvania’s Future, Defenders of Wildlife, Jefferson County (WV) Public Service District, Midshore River Keeper Conservancy, and the National Wildlife Federation.

“As one of the 17 million people who live near a river or stream flowing to the Chesapeake Bay, I am thrilled that the court ruled in favor of clean water, fishable rivers and safe places for children to swim, said Larry Schweiger, president and CEO of the National Wildlife Federation. “The court

made it clear the agency is authorized to continue doing what is necessary to reduce pollution entering the Chesapeake Bay and protect the water that sustains people, wildlife and livelihoods. The science-based standards create accountability and are leading to real results.”

In the case, known as American Farm Bureau et al v. EPA, the plaintiffs made three complaints: (1) that the pollution limits or TMDL exceeded EPA’s authority, (2) that they were based on faulty science, and (3) that the plaintiff did not have adequate time to participate in the comment process. Judge Rambo found against them on all points.

“Clean water is the legacy I want to leave to my children and grandchildren. Restoring clean water puts people to work and strengthens our economies,” Baker said. “We call on the opposition to cease their attempts to derail the clean-up efforts, lay aside expensive litigation, and roll up their sleeves and work with us for clean rivers and streams across the region.”

Jim Abernathy, interim president and chief executive officer of PennFuture, says "PennFuture is pleased that the court has upheld EPA's authority to issue the plan that will clean up polluted rivers and streams in Pennsylvania and the Chesapeake Bay."

“Everyone -- farmers and homeowners, rural and urban -- all realize clean water is vital to their community and to their economy. Midshore Riverkeeper Conservancy joined this lawsuit to represent the voice of rural areas and small towns. We don’t know what purpose this suit was meant to serve but it was not in most people’s interests,” said Tim Junkin, Midshore Riverkeeper executive director. “We are thrilled that EPA has prevailed. It is a critical time and the clean water blueprint offers a new approach and requires that everyone does their fair share to clean up our local waters.”

“The court’s decision is great news for fish and wildlife that depend on a healthy Bay for their survival. If implemented properly, the rule has the potential to significantly improve the ecological health of the Bay for the benefit of wildlife and people alike,” said Michael Senatore, Vice President for Conservation Law at Defenders of Wildlife.

[Click Here](#) to see how Pennsylvania is doing in meeting its Chesapeake Bay cleanup commitments.