



George Washington Birthplace National Monument provides nearly two miles of accessible shoreline along the Potomac River. ©NPS

Protecting a Clean Chesapeake

NPCA's Support of the Chesapeake "Clean Water Blueprint"

In April 2014, NPCA and others filed an *amicus curiae*, or "friend of the court," brief in support of the U.S. Environmental Protection Agency (EPA) and the "Clean Water Blueprint" for the Chesapeake. An appeal filed in October 2013 threatens progress to improve water quality in the Chesapeake, and limits the ability of the EPA, states, and stakeholders in every region to work together collaboratively to reduce polluted storm water runoff in streams, lakes, and rivers.

History

In December 2010, the EPA adopted the multi-state "Clean Water Blueprint," or Total Maximum Daily Load (TMDL), plan for the Chesapeake, in which each Bay state established limits to reduce polluted stormwater runoff into the region's rivers, streams, and into the Bay itself. In 2011, the American Farm Bureau sued in federal district court to stop its implementation.

In September 2013, U.S. District Court Judge Sylvia Rambo in Harrisburg, Pennsylvania upheld the region's plan, calling it cooperative

federalism at its best, and the largest and most collaborative of more than 47,000 such plans.

A New Threat

The American Farm Bureau *et al.* filed an appeal stating that the Blueprint "defies the limits of the Clean Water Act" and strips states of the right to make land-use decisions necessary to comply with federal water quality standards. As a result, this case has far-reaching implications for clean water initiatives across the country, including the Mississippi River Basin which spans 31 states from Canada to the Gulf Coast.

Protecting National Park Waters

Clean water is the lifeblood of America's national parks, and is one of the links connecting fish, wildlife, and plants across the landscape. National park water quality depends on pollution controls outside of park boundaries, and the Blueprint provides critical regulatory structure for reducing polluted storm water runoff into streams and rivers that flow through and around our national parks.



National Parks Conservation Association®
Protecting Our National Parks for Future Generations®

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Timeline

December 2010

U.S. EPA adopts the “Clean Water Blueprint” or Total Maximum Daily Load (TMDL) plan for the Chesapeake Bay.

January 2011

The American Farm Bureau sues in federal district court to stop the Blueprint’s implementation.

September 2013

U.S. District Court Judge Sylvia Rambo in Harrisburg, PA strongly upholds the EPA’s plan to reduce pollution in the Chesapeake.

October 2013

The American Farm Bureau *et al.* files an appeal, stating the TMDL plan “defies the limits of the Clean Water Act.”

February 2014

An *amicus curiae* is filed by 21 states and 8 counties supporting the appeal by the American Farm Bureau alleging the EPA’s plan “strips states of their traditional rights to make land use decisions.”

Only one of the states signing onto the brief, West Virginia, represented a portion of the Chesapeake watershed. (Of note: in 2010 West Virginia’s governor joined other Chesapeake-region governors in supporting the “Blueprint.”) Eight counties in the Chesapeake watershed filed a separate brief supporting the appeal.

April 2014

The National Parks Conservation Association, West Virginia Rivers Coalition, and others file an *amicus* brief in support of the “Clean Water Blueprint,” and in support of moving forward to improve water quality in streams and rivers that flow through and around the 55 national parks in the Chesapeake watershed.

Case Details

Appellants:

American Farm Bureau Federation, Pennsylvania Farm Bureau, Fertilizer Institute, U.S. Poultry & Egg Association, National Pork Producers Council, National Corn Growers Association, National Association of Home Builders.

Amicus curiae:

21 state attorney generals: Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming; eight counties: Cambria (PA), Clearfield (PA), Lancaster (PA), Perry (PA), Tioga (PA), Hardy (WV), Pendleton (WV), New Castle (DE).

Appellee: U.S. Environmental Protection Agency

Interveners:

Chesapeake Bay Foundation, Citizens for Pennsylvania’s Future, Defenders of Wildlife, Jefferson County Public Service District, Midshore Riverkeeper Conservancy, National Wildlife Federation, Virginia Assn. of Municipal Wastewater Agencies, Maryland Assn. of Municipal Wastewater Agencies, National Assn. of Clean Water Agencies, Pennsylvania Assn. of Municipal Authorities.

Amicus curiae:

National Parks Conservation Association, West Virginia Rivers Coalition, and organizations from states across the country.

Contact Us

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