

## **Tough federal love**

Our view: The EPA's ambitious plans for Chesapeake Bay cleanup —and failing grades to states — suggest federal government is so far willing to do the dirty work

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Like a good teacher refusing to grade on a curve, the U.S. Environment Protection Agency handed out some failing grades last week to Chesapeake Bay states whose cleanup plans are woefully inadequate. Hallelujah.

If the EPA's heightened involvement in the Chesapeake Bay is going to turn the tide on water quality, the agency can't be seen backing down now. The low scores given to Virginia, Pennsylvania, New York and West Virginia should send a message that the environmental excuses of the past are the equivalent of dogs eating homework.

Maryland and the District of Columbia may have fared better (although the cleanup plans presented by both drew some criticism), but all six jurisdictions have a challenging road ahead. Some steps, like upgrading sewage treatment plants, will cost taxpayers money, while others, like imposing tougher standards on farmers and developers, will likely cause political uproar.

The howling can be heard from Albany, N.Y., to Richmond, Va., where a state attorney general is already threatening to sue the EPA for overstepping its bounds with its plan to impose sanctions on under-performing states. But what the agency is doing is what the Clean Water Act was supposed to make possible: using federal authority to force appropriate action against polluters.

The reluctance of authorities in Virginia is particularly galling, considering so much of the Chesapeake's bounty is a stone's throw from Richmond. Pennsylvania and New York are, at least, more distant neighbors, yet land use decisions made across the Susquehanna River drainage basin have a profound impact on the bay.

Regulating New York's discharge into the system is therefore no different than EPA managing the air pollution from Midwest power plants that drifts into the Northeast, a regulatory position that the Empire State has long supported. The days of mostly voluntary action to improve the Chesapeake Bay (as some watershed states have long preferred) are, by necessity, coming to an end.

For bay advocates, these are exciting times and not unlike education reforms finally taking hold on neglected urban school districts. But just like school reform, the challenges are daunting and the fixes could prove costly and controversial.

Naysayers may object that the timing is bad, that the economy is too weak for the federal government to be more aggressively regulating commerce, and that the tea party movement and anticipated Republican gains in Congress indicate the nation is not of this mindset. But polls show Americans do

want a cleaner environment — and if not now, when? Easy excuses have hampered the bay's cleanup for decades (not unlike education reform, incidentally).

Much of the criticism is based on the false premise that cleaning up the environment is harmful to the economy. History shows that this isn't so. From the value of waterfront property to tourism, recreation and the seafood industry, Maryland has billions of dollars in economic activity tied to the health of the Chesapeake Bay that are put at risk by any failure to protect it. Some corrective action (pollution credit trading, for instance) could generate a new industry, new jobs and new opportunities for farmers and others.

Last week's EPA action is but the first step in the process. States have two months to correct their plans, and the EPA isn't expected to finalize the new bay standards until the end of the year. Legislation pending in Congress sponsored by Maryland's U.S. Sen. Benjamin L. Cardin and Rep. Elijah Cummings could also do much to ease the transition by clarifying federal law and authorizing \$1.5 billion in federal aid.

But the failing grades and the EPA's unwillingness to yield to the usual excuses from states offer hope that President Barack Obama is serious in his commitment to Chesapeake Bay restoration. That alone raises the distinct possibility that real progress in protecting and preserving Maryland's most valuable environmental resource is at hand — at least for now.

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