



Office of Inspector General U.S. Environmental Protection Agency **At a Glance**

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July 18, 2023

The EPA Should Update Its Strategy, Goals, Deadlines, and Accountability Framework to Better Lead Chesapeake Bay Restoration Efforts

Why We Did This Evaluation

To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General conducted this evaluation to determine whether the EPA effectively uses its Accountability Framework for overseeing Chesapeake Bay Total Maximum Daily Load pollution-reduction goals.

The Chesapeake Bay is North America's largest and most biologically diverse estuary. Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia are the seven government jurisdictions that participate in the Chesapeake Bay Program and are responsible for implementing programs to achieve the Chesapeake Bay Total Maximum Daily Load pollutant-reduction goals. The EPA is also a part of the partnership and oversees these efforts through the Accountability Framework.

To support these EPA mission-related efforts:

- *Ensuring clean and safe water.*
- *Compliance with the law.*
- *Partnering with states and other stakeholders.*

To address this top EPA [management challenge](#):

- *Enforcing compliance with environmental laws and regulations.*

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What We Found

The Chesapeake Bay Program is not on track to have all controls and practices in place by 2025 to meet its Total Maximum Daily Load, or TMDL, for excess nutrients. Limitations in the EPA's regulatory authority under the Clean Water Act prevent the Agency from using federal actions to fully achieve TMDL pollutant-reduction goals. However, the EPA has not updated its pollution-reduction strategy or led the Chesapeake Bay jurisdictions in updating the 2025 goals and pollutant-reduction deadlines. While the EPA has assisted the program in achieving reductions for the portion of pollution covered by the TMDL that falls under the Clean Water Act regulatory authority, the EPA has not fully embraced its leadership role to steer the partnership toward addressing the most significant sources of remaining pollution covered by the TMDL, namely nonpoint source pollution like excess nutrients.

The EPA has not yet led Chesapeake Bay Program partners to adopt new goals or update deadlines that will more accurately reflect the time necessary to address the remaining sources of pollution covered by the TMDL. The Accountability Framework is reaching its capacity to reduce pollution covered by the TMDL through enforcement and compliance, and the EPA lacks a mechanism to hold jurisdictions accountable for achieving the nonpoint source pollution reductions necessary to meet the overall watershed TMDL because the Clean Water Act provides the EPA limited authority to regulate nonpoint source pollution. Without EPA assistance to address the remaining nonpoint source pollution, Agency leadership to develop new goals and deadlines, and implementation of a process to hold jurisdictions accountable for achieving nonpoint source pollution reductions, the EPA and Chesapeake Bay jurisdictions will not meet TMDL pollutant-reduction goals.

The EPA needs to shift its focus from point sources to nonpoint sources to achieve the necessary Chesapeake Bay TMDL pollutant-reduction goals.

Recommendations and Planned Agency Corrective Actions

We recommend that the regional administrator for Region 3:

1. Lead the Chesapeake Bay Program in developing a new approach to specifically address nonpoint source pollution.
2. Work with Chesapeake Bay Program partners to set new jurisdictional goals and a new deadline to have all pollution controls and practices in place to meet TMDL pollutant-reduction goals.
3. Work with Chesapeake Bay Program partners to develop an assurance mechanism to hold jurisdictions accountable for achieving nonpoint source pollution reductions.

The Agency did not concur with Recommendations 1 and 3 and provided suggested edits to these recommendations, which we did not accept. Therefore, Recommendations 1 and 3 are unresolved. The Agency concurred with Recommendation 2 and provided an estimated completion date of January 15, 2026. Recommendation 2 is resolved with corrective actions pending.