

notice letter. In addition, the signatories to the Bay Agreements specifically recognized that they must take action to protect public health and the environment.

For example, the 2000 Agreement makes the following statements:

-For almost two decades, we, the signatories to these agreements, have worked together as stewards to ensure the public's right to clean water and a healthy and productive resource. We have sought to protect the health of the public that uses the Bay and consumes its bounty. Preamble.

- Our efforts to preserve the integrity of this natural infrastructure will protect the Bay's waters and living resources and will ensure the viability of human economies and communities that are dependent upon those resources for sustenance, reverence and posterity. Vital Habitat Protection and Restoration, pg. 4.

As a signatory to that agreement and its predecessors, the United States has failed to honor its commitments to achieve and maintain the water quality goals of reducing nutrient pollution by 40% and removing the Bay from the Section 303(d) list. Thus, the signatories of this notice of intent letter may sue the United States to enforce the terms of the Bay Agreements - specifically the water quality and living resource goals identified as early as 1987.

RELIEF

The signatories to this notice of intent letter ask the United States to take, among other things, the following actions:

1. Comply with the statutory requirements of Section 117 (g) of the Clean Water Act by:
 - a. Completing and implementing plans that will achieve and maintain the nutrient and sediment reduction goals of the Chesapeake 2000 Agreement;
 - b. Developing legislative, regulatory, and funding mechanisms, *see* Executive Council Directive, No. 04-2, to ensure that the nutrient reduction plans not only achieve but maintain necessary reductions;
 - c. Creating a Bay wide Total Maximum Daily Load (TMDL) by 2010. The TMDL must require strict deadlines and reasonable assurances, along with the imposition of sanctions for the failure to meet the requirements of the TMDL;
 - d. Implementing the Bay wide TMDL by 2011 with full implementation by 2015; and

- e. Requiring the states and federal agencies within the Chesapeake Bay watershed to implement plans to achieve and maintain the nutrient and sediment reduction goals of the Chesapeake 2000 Agreement.
2. Comply with the water quality and living resource goals of the Chesapeake 2000 Agreement by, among other things:
 - a. Ensuring that all partners to the Chesapeake 2000 Agreement comply with its terms;
 - b. Developing legislative, regulatory and funding mechanisms to insure that the nutrient reduction plans not only achieve but maintain necessary reductions.
3. Require other federal agencies to play a more active role in controlling non-point pollution. In addition, ensure that the White House Office of Management and Budget immediately releases the 2008 Farm Bill funds designated for the Chesapeake Bay.
4. Design a program to assist watermen to continue working on the water by providing funding and expertise to help, for example, develop cooperative associations, build and operate oyster hatcheries, and promote aquaculture.
5. The Administrator should exercise his emergency powers pursuant to Section 504 of the Clean Water Act.
6. Provide such other relief as is necessary and appropriate to achieve the water quality goals of the Clean Water Act and the Bay Agreements. For example: prevent backsliding on point source reductions via strong point source permits and enforcement; target agriculture conservation dollars by practice and geography; strictly regulate nitrogen oxide emissions from power plants including year round controls; require pollution loads from new development be consistent with TMDLs; and adopt stringent loading limits, pollution prevention requirements, and TMDL linkage in all municipal separate storm sewer system permits.

CONCLUSION

Congress has recognized the Chesapeake Bay as a national treasure worthy of restoration and preservation. Congress empowered EPA to take a leadership role in cleaning up the Bay. EPA recognized its Congressional mandate by signing three Bay Agreements spanning 25 years, yet, water quality in the Bay has not improved. It is time for EPA to take the action Congress and the citizens of the United States asked it to take. Accordingly, we ask to meet with the Administrator or his designate to discuss this matter at his earliest convenience.