

Garbage Pours Into Chesapeake Bay, and States Quarrel Over Whose Mess It Is



Debris washed into Maryland waters after record rainfall in the Mid-Atlantic States. Maryland officials urged upstream states, including Pennsylvania and New York, to take partial responsibility for the mess. Credit Brian Witte/Associated Press

By [Julia Jacobs](#), Aug. 10, 2018

After rain pummeled Mid-Atlantic States in recent weeks, Maryland officials publicly lamented the masses of trash flowing into Chesapeake Bay — and blamed two states to the north.

One Maryland official called the pileup of woody debris, plastic bottles and broken Styrofoam an “aesthetic assault.” Another called it an “insult” to the bay and an environmental crisis that could reverse years of progress toward reducing pollution in the country’s largest estuary.

As destructive storms hit in late July, officials opened more than 20 floodgates in the

Conowingo Dam in northern Maryland, pushing floating garbage and debris down the Susquehanna River from upstream states.

But whose trash is it? And who is responsible for cleaning it up?

“The upstream states, Pennsylvania and New York, need to step up and take responsibility for their sediment and their debris that is pouring into our bay,” Gov. Larry Hogan of Maryland said at a public works meeting on Aug. 1.

Maryland officials from both parties have urged upstream states and the dam’s operator, Exelon Corporation, to take partial responsibility for the widespread mess. Officials said the waste that

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accompanied the highest water flow through the dam in seven years was not just unsightly — it was also a danger to boats that populate the bay, which is known for its commercial fishing of blue crabs and oysters.

Ben Grumbles, secretary of Maryland's Department of the Environment, said that at least two million tons of sediment that had been trapped behind the dam entered the bay within days; that's more than a year's worth of sediment from the Susquehanna River under normal conditions.

"From our perspective, the polluters should pay," he said in an interview.

But officials from Pennsylvania and New York have not taken kindly to Maryland's moral appeals.

Last week, Patrick McDonnell, secretary of Pennsylvania's Department of Environmental Protection, called comments by Maryland officials "careless and insensitive" in light of the disastrous impact the flooding has had on his state.

"Finger-pointing is not something that's going to accomplish our goals," Mr. McDonnell said in an interview. "We all need to be working cooperatively together."

As for New York, the commissioner of the Department of Environmental Conservation, Basil Seggos, rejected the suggestion that the state was responsible for a significant portion of the debris that flowed through the Susquehanna River and into the bay. The river, which contributes about half of the bay's fresh water, starts in Cooperstown, a village in central New York.

"If the water quality of Chesapeake Bay were as high quality as the Susquehanna River's when it

flows out of New York, Chesapeake Bay would not be impaired," Mr. Seggos said in a statement.

There are no clear federal regulations that deal with the transfer of this kind of pollution from one state to another, causing officials to resort to an interstate war of words, said Robert Percival, a professor of environmental law at the University of Maryland.

In this case, the legal foundation for compelling Pennsylvania and New York to clean up debris that flowed into Maryland's waterways is murky, he said.

Decontaminating Chesapeake Bay has been a national political issue since the late 1970s, when Congress funded [a \\$27 million study](#) analyzing the causes of the bay's dwindling wildlife and marine life.

Over the decades, toxic contaminants have tainted the bay through wastewater and air pollution, as well as agricultural and stormwater runoff. In the bay, excess levels of nitrogen and phosphorus have led to a nearly [two-cubic-mile "dead zone"](#) that can suffocate aquatic life. High levels of sediment that clouds the water have also damaged the bay's ecosystem over time.

In 2009, President Barack Obama issued an [executive order](#) requiring annual documentation of progress toward reducing pollution in the bay and state collaboration in improving the water quality.

Federal backing for restoring the bay has been more precarious under the Trump administration.

Two years in a row, President Trump proposed in his annual budget to [drastically slash](#) federal funding for the Chesapeake Bay cleanup. Both times, Congress passed a [funding bill](#) that kept the financing intact.

The New York Times



The Conowingo Dam with its floodgates open. Heavy rain forced officials to open more than 20 floodgates, sending garbage and other debris flowing into Chesapeake Bay. Credit Maryland Department of Natural Resources

On top of concerns about future funding, Maryland officials fear that the recent deluge of debris through the Conowingo Dam has set back the cleanup process by years.

Mr. Grumbles, Maryland's environmental secretary, said the long-term effort to increase the bay's water quality required contribution from all six of the states in the watershed. But he and other Maryland officials are not afraid of calling out states they believe are lagging.

"While Maryland is making progress toward meeting all of the targets, Pennsylvania is just limping along behind," Peter Franchot, Maryland's comptroller, said in an interview.

According to an [Environmental Protection Agency report](#) on Pennsylvania's progress in

eliminating toxins from its waters from 2009 to 2017, the state missed its targets for reducing nitrogen, phosphorus and sediment runoffs.

Most of Pennsylvania's nitrogen load comes from agricultural runoff, which has made the decontamination effort a politically "explosive" issue in the state because it involves the interests of farmers, said Mr. Percival, the environmental law professor.

In 2009, [an E.P.A. report](#) showed that Pennsylvania was responsible for about 44 percent of the nitrogen that flows into the bay, which is partly because Pennsylvania has more land in the watershed than other states.

In a statement, Mr. McDonnell, Pennsylvania's environmental secretary, called Maryland

The New York Times

officials “hypocritical” for placing blame on his state when Maryland [did not reach its 2017 nitrogen](#) targets either. ([Neither did New York](#), although both New York and Maryland met their goals for phosphorus.)

At a meeting on Tuesday of the Chesapeake Executive Council, which includes the governors of all states in the watershed, this apparent antagonism over cleaning up the bay was replaced with an [outward display of collaboration](#) — and even a concession from Pennsylvania on its shortcomings.

Mr. McDonnell said in an interview that he was aware his state was behind in reducing pollution levels, and officials there are working to address the problem.

Ann Swanson, who has led the bay restoration effort for nearly 30 years, said this unusual bout of discord between the states was an unnecessary distraction from the long-term effort to rid the bay of pollutants.

The concentration of debris in the bay after the record-setting rainfall was significant but not unprecedented, said Ms. Swanson, who is executive director of the Chesapeake Bay Commission, a multistate agency that advises legislatures on bay-related policy.

“We’ve had big storms like this, and we’ll have more big storms like this,” she said. “The best thing we can do is continue to make progress in helping our farmers control pollutant loads and helping our cities control stormwater.”

Right now, Maryland is focused on ridding itself of this invasive trash and debris, officials said.

Since the floodgates were raised, state workers have been working to clear navigation channels of [tires and trees](#), and ridding [state beaches](#) of lingering trash so people can swim again.

Maryland isn’t seeking to shift responsibility for the health of the bay only onto the upstream states.

State officials say they believe that Exelon, the operator of the 90-year-old dam, should also shoulder some of the burden. In a letter sent last week to Exelon’s chief executive, Christopher M. Crane, Maryland officials called on the company to provide resources to help remove the detritus from the bay.

Exelon obliged, pledging to donate \$25,000 to a local nonprofit working to preserve the bay, as well as offering up its contractors and employees to aid in the cleanup, according to a letter from the company to Maryland officials. Earlier this year, Exelon sued Maryland after the state required the company to reduce pollution flowing from the dam in order to renew its lease to operate the massive power generator.

Record-setting rainfall of the sort that triggered the garbage dispute downstream is likely to [become only more common](#) in years to come, scientists say, because increasingly powerful storms are a byproduct of a warming climate.

After seeing the masses of garbage floating in the bay, Ms. Swanson also pointed out another source of blame apart from states and corporations. “Everyone who is using a plastic bottle should feel responsible,” she said.

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