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Clean Water Act: United States Supreme Court Denies Petition for Writ of Certiorari Challenging U.S. Environmental Protection Agency TMDL for Chesapeake Bay

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The United States Supreme Court ("Court") denied on February 29th a Petition for a Writ of Certiorari that had been filed by the American Farm Bureau and a number of other organizations ("Petitioners") challenging a Total Maximum Daily Load ("TMDL") that the United States Environmental Protection Agency ("EPA") established for the Chesapeake Bay.

The Third Circuit Court of Appeals had upheld the TMDL.

A TMDL sets a numeric target for pollutants in a waterbody "at a level necessary to implement water quality standards".

EPA established a TMDL for the Chesapeake Bay which encompassed multiple states.

The Petitioners argued in the Petition for a Writ of Certiorari that the Third Circuit Court of Appeals had erred by deferring to EPA's interpretation of the words "Total Maximum Daily Load" to permit the federal agency to impose a regulatory scheme that does more than cap daily levels of total pollutant loading. They also argued that EPA's TMDL displaces power reserved to the States.

[Click here to download a copy of the docket sheet referencing the denial.](#)