



Lee Epstein: My name is Lee Epstein. I live in Silver Spring, Maryland.

Myles Banks: And what do you do?

Lee Epstein: I am the Lands Program Director here, and also Special Counsel. Town Creek has been a supporter of ours and the work that I do, particularly, almost since I got here, probably since I got here. But I'm aware of its support back in the mid '90s at least. And back then we were really way ahead of the curve on things like growth management, managing growth in the entire watershed of the Bay. But Town Creek was right there in the beginning of that. I've known Jenny Stanley since those mid '90s years, and she got it. She understood, personally. She, and at the time her husband, Ted, understand personally the direct connection between what happens on the land and what happens in the water. And so they were clear supporters of working on land use, land conservation, all those kinds of issues directly, and that was super helpful to have a foundation's founders get it from the beginning and be patient with what then were new ideas.

Back when I started, the population of the Chesapeake Bay Watershed, which is 64,000 square miles, it's parts of six States in the district of Columbia, it's a very large watershed. The population back then was probably a little more than 14 million people, almost 15 million, and now it's 18 million. It grows by about 100,000 a year. So, that population growth has impacts that redound across the Watershed. It means that there are more people using more stuff, it's more people needing more space. There are more roads built, more houses built, more offices, and development continues. So the landscape has changed pretty significantly over that period of time. Forests have been cut down and farms have changed to subdivisions. And those things have impacts in the water. Another change that has occurred is, when I first started, there was a somewhat organized approach to try to fix the problems in the Bay. There had been since the mid '80s an effort by at least several of the states to get together and to create plans to fix things, and over the years those plans successively became more detailed and more demanding with specific objectives, et cetera.

Finally, by the latter part of the first decade of this century, we understood, we realized here at CBF that those objectives were not going to be met, the ones that they had set for themselves to be met by 2010, and the only thing we could think of to do at that point was to sue. And we did. We sued EPA, we and others, other plaintiffs in the lawsuit, and we said, "This is not acceptable. You have an agreement among the states to achieve certain clean water objectives under the Federal Clean Water Act, and you're not meeting them." That lawsuit was settled and EPA agreed to do certain things to settle it. And one of those things was to create a new plan based again on the Clean Water Act that actually had some teeth to it. That was then challenged by some very large commercial interests, Big Ag, the Pork Producers Council and the American



Farm Bureau and you name it, the development community, the National Association of Home Builders, et cetera, challenged then that plan and challenged that settlement.

So we had to be in court again, and we won both at the Federal District Court level and at the Court of Appeals level. So at that point, which was 2010, 2011, we had what we thought was a really good plan to move forward with some teeth in it, milestones along the way to check in, and really agreement by the parties, by the states and others, that this was the way to go forward with what we call the Chesapeake Bay Clean Water Blueprint. And that's what we've been relying on now, since about 2010, 2011. Unfortunately that's starting to go south because we're getting closer and closer to the new deadline that was set, which is 2025. We're not sure at this point that EPA is willing to enforce that agreement, which is one thing they said they wanted to do, and they said they would do, and they set out things that they said they would do if states didn't do what they were supposed to do.

So those challenges, the sort of management challenges, have changed. We thought we were winning a whole new regime for the Bay, and we did. But not everyone is playing straight. For example, in the latest set of plans that came out of the State of Pennsylvania, they're not meeting what their objectives are supposed to be. They don't have the money. They haven't raised it. Pardon me, they don't have the staff. They've cut staff rather than added staff. And so we're seeing an erosion, and that's troubling because now we're in 2020 and we have about five years to get to that objective of having everything in place so that the Bay can move forward toward restoration. So, several things are happening. Ag is changing the nature of agriculture. There's more development than before. And at the same time, the government response that we had all agreed on seems to be eroding.

So there are some pretty big challenges ahead. We think it can be repaired. We think that the program can be repaired. We don't know yet, but it may take another lawsuit to do it. If this administration is not as committed as the last to making this thing work, which we have some indications that's the case, this administration being in Washington, then we may litigate again, or the states may litigate again. We've heard that the State of Maryland and maybe even the State of Virginia will move forward with some litigation to try to make Pennsylvania do what they said they were going to do. I mean, that's the thing. We had this regime that was put together and everyone agreed to it, and it had accountability in it. It had regular check-ins called milestones that they had to meet. It had the ability of EPA to call a state on something that it was not doing, and to penalize them for it.



If you don't have that accountability, it's just a piece of paper. These are just things that are sitting on a shelf somewhere. And that's what happened the last time. That's what happened going into the late 2006, seven, eight, nine, and we thought that that had been fixed. So, yeah, it's a problem. And frankly, if we're talking about Pennsylvania, it's as big a problem for that State's own waters as it is for the Bay. It's their streams and their rivers and their citizens that are affected by continuing pollution. Yeah, it's the Bay, of course, that's what we're all about. But we're also about the waters of the rest of the Watershed, and if Pennsylvania doesn't address things as they're supposed to, their citizens are going to get adversely affected.

They're the ones that won't be able to fish or swim or boat or whatever in their waters. And that's not a good thing. This is a really interesting time, politically, it's a challenging time politically, and dealing with the environment is a tough but interesting thing to do. And I wouldn't be doing it if I didn't wholly believe in it. And nobody who works for a nonprofit would be doing that if they didn't wholly believe in it, because they'd be out selling widgets and making lots of money. So I think it's entirely worthwhile. I think anyone who is interested in, really, any aspect of their environment, whether it's the quality of our air in our cities, actually, adversely affects the water. Or the quality of water, or the economics of it all, of cleaning up water so we can drink it.

All of these things are affected by what is going on here. So, if that's something that's of interest at all to anybody making their own community better, a better place for themselves, for their families, for their kids, for the grandkids, this is a really interesting job. It's a really interesting thing to be doing as a profession. It's really hard, and there's no question but that you will be challenged as a professional, as a person, to do this work. But it's really worthwhile. And when you do see positive changes, and frankly there have been some positive changes in the Bay. I mean, we are challenged by some of the things that are happening, but the Bay has been holding its own. It's not been getting as clean as we would like it to get, at this point, but as I said, we have three million more people here, and yet it's been kind of holding its own and there are some signs. Underwater grasses have increased, for example. There are some signs of increased resiliency.

There is something positive going on and you can almost feel it. But we're not there yet. So I would say, if any of these things interest you, the science of it, the politics of it, the legal aspects of it, go for it. Be involved. As you're going to school, whether it's high school or college or post-college study, this is an interesting thing to do and it's fulfilling and there's a place for you. No matter who you are, where you're from, there's a place for you. Being involved in your community when you've got other stuff going on is challenging. I mean, you've got your life going on and sometimes that's way more than anybody can bear or



handle. But if you do have some time, if you do have the inkling that you want to make your community better, whether it's your neighborhood, your city, the Bay, the region, your fellow citizens, whatever it is, there are things that you can do as a person.

You can start getting involved in neighborhood issues. Just start there. Some neighborhoods aren't as clean as they should be. They've got trash, they've got... If they're a suburban neighborhood, they might have trash. They might have streams that run through them that are pretty dirty. Get involved with local groups that think about these things. I know in almost all cities there are organizations already out there that care about this stuff that you can get involved in, at any level you want. You don't have to give hours and hours of your time, or give away all your weekends. But if you want to just pay a little attention to that, you probably can and you can probably find out pretty easily on the web or other means, who's thinking about this stuff in your community? You can get involved that way. If you have access to the web, if you have good internet access, organizations like mine love to have volunteers, love to have people involved in all aspects of what we do.

And what we do is not only a straight out advocacy, it's not all just people like me working at the government level. For example, we have volunteers that help plant trees on weekends, or that take care of oysters, or help us with our oyster restoration projects. Other organizations have people that volunteer to do what seems like grunt work in the office, address envelopes, help with the kind of work that smaller organizations need. That's important. It doesn't seem important, but it's important to them. So there are all kinds of levels of things that people can do if they're at all inclined to think about the quality of life around them, the quality of the environment around them, whether that's air or water or their neighborhoods.

I've done lots of things in my life. I've been here for 27 years, but I'm an old guy, so I had other jobs before that and I worked for local government, I've worked for state government, I was in a private law practice for a couple of years, but at some point in that career trajectory, and it was really the point when my wife and I had our second child, my oldest was three, we had a new baby, and I was not that satisfied in the work that I was doing at the time. It was in a private law firm, and I was thinking, "What do I do when I go home at night and my three-year-old asks me, what do I do at work?" You have to dumb it down a little bit, you're talking to a three-year-old. Daddy does X or daddy does Y. But at that time in my life I was not comfortable saying, "Well, I help people build houses."

That's kind of the dumbed down version of having a developer as a client, or whatever, because I knew that there were parts of that that were a little distasteful. I wasn't trying to get people out of complying with the law, but even



in complying with the law, I was helping them do something that maybe I didn't really believe in. And I think it's really important in your life to eventually get to a place where what you're doing is something you believe in and something you feel really comfortable saying to your three-year-old, "This is what I do, and this is why I do it." Because in the end I changed jobs because I wanted to say to them the equivalent of, "I'm doing good stuff for the Bay and for the air we breathe and for the forests that are out there."

And that made me feel great. And I think if what you choose to do with your life in some way contributes to the betterment of humanity, that's going to make you feel great. And that's important. So, no matter what it is that you do, not everybody wants to be a greenie and save the world this way. But that's one way to think about one's future. And even if you do something else, there are things that you can do to make you feel good about the rest of your life.