



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Rick Larsen
Ranking Member

Nick Christensen, Staff Director

Katherine W. Dedrick, Democratic Staff Director

March 13, 2026

The Honorable Lee Zeldin
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Zeldin:

The Committee on Transportation and Infrastructure is conducting oversight of the January 19, 2026, failure of the Potomac Interceptor in Montgomery County, Maryland, and the resulting discharge of untreated or partially treated sewage into the Potomac River. The magnitude of this discharge raises serious concerns regarding Maryland's compliance with the *Clean Water Act (CWA)* and the adequacy of state enforcement under delegated authority. As the holder of sole jurisdiction over the *CWA* in the House of Representatives, the Committee is particularly interested in effective functioning of the Act.

Section 301(a) of the *Clean Water Act*, prohibits the discharge of pollutants into navigable waters except in compliance with the *CWA*.¹ Section 402 of the *Clean Water Act* authorizes the Environmental Protection Agency (EPA) to delegate the National Pollutant Discharge Elimination System (NPDES) permitting program to states, while retaining Federal oversight authority to ensure that state programs are administered in accordance with Federal law.² The EPA has delegated NPDES authority to the State of Maryland. Accordingly, the Maryland Department of Environment (MDE) bears primary responsibility for enforcing permit conditions, prohibiting unpermitted discharges, and ensuring compliance with Maryland's water quality standards codified in the Code of Maryland Regulations (*COMAR*).³

¹ 33 U.S.C. § 1311(a).

² 33 U.S.C. § 1342(b).

³ *Id.* at § 1342(h); Md. Code Regs. 26.08.02 (2025).

Given the scale of this discharge and the interstate and Federal interests implicated, the Committee is concerned that Maryland's enforcement response may not reflect the seriousness of the violation or the responsibilities assumed under its delegated authority. While the Committee recognizes the EPA's discretion and primary oversight role under Sections 402 and 309 of the *Clean Water Act*, it is essential that delegated programs be administered rigorously and consistently.

We stand ready to support the EPA, as the investigation into this sewage leakage into the Potomac continues. To assist the Committee in carrying out its oversight responsibilities, please provide the following information and documents, as soon as possible, but no later than 5:00 p.m. ET on March 27, 2026:

1. What role has EPA played in response to this discharge incident?
2. Has the EPA determined whether the discharge associated with the Potomac Interceptor collapse constituted a violation of Section 301(a) of the *CWA* or applicable NPDES permit conditions?
3. Did the MDE issue a formal notice of violation or initiate enforcement proceedings in response to the discharge? If not, has the EPA evaluated whether Maryland's response satisfies the enforcement obligations inherent in its delegated authority under Section 402?
4. Has the EPA reviewed whether the discharge resulted in exceedances of Maryland's water quality standards under *COMAR* Title 26, and whether those exceedances triggered mandatory enforcement or corrective action under state or Federal law?
5. Given that NPDES permits typically require proper operation and maintenance to prevent unauthorized discharges and infrastructure failures, has the EPA assessed whether Maryland evaluated potential deficiencies in inspection, maintenance, or rehabilitation of the interceptor prior to the collapse?⁴
6. Has the EPA assessed whether the collapse was reasonably foreseeable based on the age and condition of the infrastructure, prior inspection history, or previously authorized rehabilitation efforts?
7. What oversight steps, if any, has the EPA taken pursuant to Sections 402(c) and 309 of the *Clean Water Act* to ensure that Maryland's administration and enforcement of its delegated NPDES program in connection with this incident is consistent with Federal requirements?⁵

⁴ See, e.g., 40 C.F.R. § 122.41(e).

⁵ 33 U.S.C. § 1342(b); 33 U.S.C. § 1319(a).

Administrator Zeldin

March 13, 2026

Page 3 of 4

8. If the EPA determines that Maryland's response is inconsistent with the *CWA* or Federal enforcement expectations, what corrective measures or oversight actions are available to the Agency under Federal law?

Pursuant to House Rule X, clause 1(r), the Committee has jurisdiction over water resources and infrastructure and shall conduct appropriate oversight of these matters. This request and any documents created as a result of this request will be deemed Congressional documents of the Committee. An attachment contains additional instructions for responding to this request. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2165 of the Rayburn House Office Building and the Minority Staff in Room 2164 of the Rayburn House Office Building.

If you have any questions about this request, please contact Ryan Hambleton, with the Subcommittee on Water Resources and Environment, at Ryan.Hambleton@mail.house.gov. Thank you for your prompt attention to this matter.

Sincerely,



Sam Graves
Chairman
Committee on Transportation
and Infrastructure



Mike Collins
Chairman
Subcommittee on Water Resources
and Environment

cc: The Honorable Rick Larsen, Ranking Member
Committee on Transportation and Infrastructure

Enclosure: Attachment A



Daniel Webster
Member of Congress



David Rouzer
Member of Congress



Mike Bost
Member of Congress



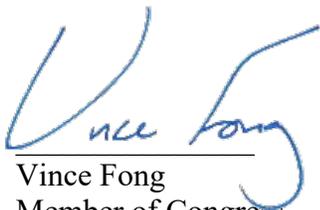
Tracey Mann
Member of Congress



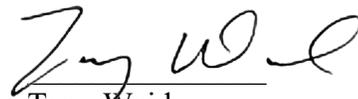
Mike Ezell
Member of Congress



Eric Burlison
Member of Congress



Vince Fong
Member of Congress



Tony Weid
Member of Congress



Rob Bresnahan, Jr.
Member of Congress



Addison P. McDowell
Member of Congress



David J. Taylor
Member of Congress