



Press Release

from the
CHESAPEAKE BAY FOUNDATION

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CBF GOES TO FEDERAL COURT AS NEXT STEP TO COMPEL EPA TO ENFORCE THE LAW TO STOP POLLUTION

Group Calls EPA Negligent for Failing to Enforce the Clean Water Act

(ANNAPOLIS, MD) -- Citing the federal Environmental Protection Agency's refusal to impose adequate and enforceable limits on nitrogen pollution in wastewater permits for sewage treatment plants and industrial dischargers, the Chesapeake Bay Foundation (CBF) today filed a complaint in the United States District Court for the District of Columbia. The complaint is the next step in CBF's legal action to require EPA to enforce the Clean Water Act and reduce nitrogen pollution. For more than two decades, science has known that nitrogen pollution is the most significant problem facing the Chesapeake Bay.

"As a result of unchecked pollution, the Chesapeake Bay is in critical condition," said CBF President William C. Baker. "Pollution-caused dead zones and harmful algal blooms are stressing and killing fish and shellfish, causing beach closures, and leaving the Bay struggling at only one quarter of its potential. By routinely failing to include permit limits that reduce nitrogen pollution from sewage and industrial treatment plants, the states and federal government have been negligent in enforcing the Clean Water Act."

The Clean Water Act, which was enacted in 1972, requires sewage treatment plants and industrial facilities seeking to discharge pollutants into streams, rivers and the Chesapeake Bay to first obtain a permit from EPA or a state environmental agency. The Act also requires that these permits are sufficiently stringent to protect the quality of the waters receiving the pollution as well as downstream rivers and the Chesapeake Bay.

To date, the EPA and the state agencies have failed to protect the Bay's water quality, acknowledging this failure by formally designating the Bay's main stem and the tidal portions of its tributaries as "impaired" by nitrogen pollution. Sewage treatment plants are the second largest source of nitrogen pollution to the Bay on a regional basis. In Virginia, sewage treatment plants and industrial facilities constitute the largest source of nitrogen pollution.

On Dec. 1, 2003, CBF filed a legal action demanding that EPA take a number of specific actions to enforce the Clean Water Act, including:

- Requiring that states in the watershed include adequate, enforceable effluent limits for nitrogen pollution in existing discharge permits to protect water quality in the Bay and its streams and rivers;

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- Establishing updated technology standards for sewage treatment plants and industrial facilities to require nitrogen pollution reductions to a level consistent with today's affordable technology. EPA has not updated these standards in almost 20 years; and
- Conditioning EPA federal grant monies to the states on state implementation of nitrogen pollution reductions and permit limits.

To date, EPA has refused to provide a formal response to the requests contained in the Petition, as required by law. The complaint filed today is the next step in the legal process and asks the court to compel EPA to respond.

In a related, ongoing legal action in Virginia, CBF has formally challenged two discharge permits issued by Virginia to Philip Morris USA and the Town of Onancock Sewage Treatment Plant for failure to require significant nitrogen pollution reductions. An initial court hearing on the Philip Morris permit is scheduled for December 8 in Chesterfield County; a hearing on the Onancock permit is scheduled for February 1 in Richmond.

“The citizens of the region have told us that they are concerned about pollution and want governments to take action and meet the commitments they have made to reduce pollution,” Baker said. “We are confident that the court will agree and ultimately require EPA to enforce the Clean Water Act and stop the ongoing flow of unlimited amounts of nitrogen pollution from sewage treatment plants.”

For this legal action against the EPA, the Chesapeake Bay Foundation has retained the services of Terris, Pravlik & Millian, LLP, a public interest law firm in Washington, D.C. Since its establishment during the early days of the environmental movement, the firm has become a leader in litigation on environmental issues for individual citizens, neighborhood groups, national environmental organizations and governments.

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