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CLEAN WATER ADVOCATES SEEK FEDERAL COURT ORDER TO FORCE EPA TO FIX WASHINGTON STATE'S WATER POLLUTION CLEANUP PROGRAM

Seattle— Declaring a key Clean Water Act program in Washington State broken, clean water advocates asked a federal court—in the second lawsuit this week—to order the U.S. Environmental Protection Agency (EPA) to fix a program to restore polluted rivers, streams, and Puget Sound. Northwest Environmental Advocates (NWEA) filed the second lawsuit to challenge EPA's failure to address the Washington Department of Ecology's program that lists waters with unsafe levels of pollution and then develops cleanup plans for those listed waters.

According to the lawsuit, Ecology failed to submit new lists of over-polluted waters to EPA in the years 2014, 2016, and 2018 and submitted an inadequate list in 2012. EPA has taken no action to fix the violations.

“Ecology's program is very obviously broken and yet, year after year, EPA just sits on the sidelines doing nothing to fix it” said Nina Bell, Executive Director of NWEA. “This process of identifying the state's over-polluted waters is the trigger for pollution controls and without it, polluters keep polluting Washington's waters without limit. It's a license to pollute,” she added.

“EPA has a legal obligation to step in when states, as Washington has, fail so miserably,” said Andrew Hawley, an attorney at the Western Environmental Law Center. “It is not just that the lists are incredibly late. EPA is also just sitting back while Ecology thumbs its nose at the Clean Water Act, a law that is supposed to protect human health and species such as the threatened and endangered Chinook salmon and orca whales from water pollution.”

On this point, the lawsuit also cites EPA's failure to identify waters in Washington state that have unsafe pollution levels. “For example, despite widely accepted science that toxic contamination is harming Puget Sound orcas, Ecology has listed only a single 2,460 x 3,660 foot rectangle in the middle of Puget Sound for only one toxic chemical on this basis,” Bell added.

In a related action on Tuesday, the group requested the court reopen a 28-year old case to force EPA to develop cleanup plans for waters on this list. The current list of waters with unsafe levels of pollution—from temperature to toxics— and no cleanup plans stands at 4,548.

NWEA is represented in this case by Andrew Hawley of the Western Environmental Law Center and James Saul of the Earthrise Law Center at Lewis & Clark Law School.

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