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**SECOND LAWSUIT CHALLENGES EPA'S THREE-YEAR DELAY  
ON DESCHUTES RIVER CLEAN-UP PLAN**

Taking the U.S. Environmental Protection Agency (EPA) to court for a second time over stalled plans for cleaning up Washington's Deschutes River, an environmental group criticized the agency's foot-dragging in a lawsuit filed today. The new suit asserts that EPA violated the Clean Water Act when it failed to issue a clean-up plan in July.

"When regulatory actions are needed to clean up Puget Sound and the rivers that flow into it, you can count on EPA's making itself as scarce as possible," said Nina Bell, Executive Director of the Portland, OR-based Northwest Environmental Advocates (NWEA). "These agencies engage in a lot of public hand-wringing about pollution in the Sound but when it comes time for action, they disappear," she added.

NWEA's new lawsuit challenges EPA's failure to issue a replacement science-based clean-up plan for the Deschutes watershed within 30 days of having rejected the Washington Department of Ecology's plan in June. The rejection came as the result of a court order in a case NWEA filed a year ago challenging EPA's failure to act on the clean-up plan for which Ecology had sought approval two years before, in December 2015. As a result of the earlier case, EPA partially disapproved Ecology's clean-up plans intended to address unsafe levels of temperature, dissolved oxygen, pH, fine sediment, and bacteria. The disapproval triggered EPA's duty to replace those plans.

A tributary to Puget Sound, the Deschutes River discharges to Capitol Lake and the

marine waters of Budd Inlet in Olympia. Rivers and streams in the Deschutes watershed violate numerous state water quality standards as does Budd Inlet.

“The quick deadlines in the Clean Water Act reflect the Congressional desire for swift action to clean up the nation’s polluted waters” said Bell. “But EPA seems to be constitutionally incapable of moving swiftly. And EPA’s now three year delay is coming on top of the 13 years it took Ecology to write the plan in the first place,” she added.

The Clean Water Act requires Ecology to develop science-based clean-up plans, called a “Total Maximum Daily Load” or “TMDL,” for waters that have been found to violate clean water goals. Ecology began working on the Deschutes TMDL plan in 2002; it took another 13 years for Ecology to complete the plan and submit it to EPA for approval in 2015.

In its disapproval, EPA found that Ecology did not make sure that proposed upstream pollution reductions would protect the quality of downstream waters. In other instances, EPA found that Ecology had submitted an incomplete analysis.

“Both EPA and Ecology continue to play games with the Deschutes clean-up plan,” said Bell. “They know that the Deschutes is connected to the larger pollution problems of Puget Sound, a political hot potato neither agency wants to tackle. So EPA and Ecology just sit on their hands, leaving citizens with no other choice but to file lawsuits,” she added.

Bryan Telegin of Bricklin & Newman LLP (Seattle) and Lia Comerford of the Earthrise Law Center at Lewis & Clark Law School (Portland) represent NWEA in this case.

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