

## **For Immediate Release**

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## **LAWSUIT SEEKS REFORM OF WASHINGTON'S BROKEN WATER POLLUTION PERMITTING PROGRAM**

Portland, OR – The U.S. Environmental Protection Agency (EPA) was sued in the U.S. Ninth Circuit Court of Appeals today for failing to respond to a petition seeking to remove Washington State's authority to issue discharge permits under the Clean Water Act. The 2017 petition took aim at permits issued by the Washington Department of Ecology for sewage treatment plants that discharge nitrogen to Puget Sound without the required permit limits.

The lawsuit asserts that the more than four years in which EPA has not responded to the NWEA petition is an unreasonable delay, particularly when EPA is declining to remedy a known problem.

The petition, filed by Northwest Environmental Advocates (NWEA), sought EPA action to address the fact that only one sewage treatment plant out of 95 that discharge to Puget Sound and its tributaries has a nitrogen limit—the LOTT facility in Olympia. Nitrogen pollution is fueling the growth of algae that depletes oxygen in the water, known as “dead zones” where oxygen levels become too low.

“EPA has done nothing to remedy Washington's complete regulatory failure to control sewage wastes in Puget Sound,” said Nina Bell, NWEA Executive Director. “After decades of inaction, now Ecology is proposing to issue a permit to cover sewage discharges from just some sewage treatment plants without the required limits, but EPA still hasn't batted an eye. The time for turning EPA indifference into EPA leadership is now,” she said.

“The Clean Water Act allows EPA to grant permitting authority to states and also to take that authority back where a state is not following the law,” said Allison LaPlante, Co-Director of Earthrise Law Center, the law firm representing NWEA in this case. “The most fundamental principle of water pollution discharge permits is that they may not allow a discharge to cause or contribute to violations of water quality standards. Yet that is precisely what Ecology has been doing for many years.”

Ecology is currently proposing to address some nitrogen discharges through a single general permit that would cover 58 municipal sewage treatment plants that discharge directly to Puget Sound. The current proposal does not establish nitrogen limits needed to reduce nitrogen being

discharged, despite Ecology's having found that those levels are causing or contributing to violations of water quality standards.

NWEA's petition reviewed a total of 103 nitrogen sources to Puget Sound comprised of: 67 sewage treatment plants that discharge directly to Puget Sound, 8 industrial sources of nitrogen, and 28 sewage facilities that discharge to Puget Sound tributaries. Ecology's proposed permit excludes nine non-municipal sewage treatment plants out of the 67 that discharge to the Sound.

The four-year old NWEA petition sought EPA action to correct or withdraw Ecology's authorization to issue water pollution discharge permits. The 113-page petition chronicled Ecology's longstanding practice of issuing permits that fail to meet basic Clean Water Act requirements by authorizing discharges that cause or contribute to water quality standard violations. The petition asks the Ninth Circuit to order EPA to stop delaying and respond to NWEA's request that EPA take its permitting authority back from Washington.

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