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Riverkeepers Sue EPA Over 53 “De-Listed” Rivers in the Chesapeake Bay Watershed

WASHINGTON, D.C. – Waterkeepers Chesapeake and seven Riverkeeper organizations in Maryland, Washington, D.C. and Virginia, have filed suit in U.S. District Court for the District of Columbia against the Environmental Protection Agency (EPA) and EPA Administrator Regina McCarthy in a legal matter involving the delisting of 53 river segments in 17 Maryland counties and Baltimore City.

At issue is whether the Environmental Protection Agency, under provisions of the Clean Water Act, must assess water quality upriver in the 53 delisted river segments.

“Pollution doesn’t just originate in the middle of the Chesapeake Bay,” said Elizabeth Nicholas, executive director of Waterkeepers Chesapeake. “We have to look at all of the smaller creeks and streams that are suffering impaired water quality throughout the watershed.”

According to the suit, the delisted river segments suffer degraded conditions not limited to: algae blooms, sediment plumes, excess nutrients, low oxygen and fish die-offs.

"This case is not just about the EPA trying to shortcut what is required by the Clean Water Act," said David Flores, Baltimore Harbor Waterkeeper. "It is also about the agency subverting the public's right to participate in the cleanup of our neighborhood streams and rivers."

This lawsuit challenges a regulatory action by the Maryland Department of the Environment (MDE) and EPA that followed the approval of the Bay TMDL (Total Maximum Daily Load, a regulatory term under the Clean Water Act). The legal action does not seek to overturn or undermine the Bay TMDL, recently upheld by the Supreme Court.

"Our rivers are more polluted than the main stem of the Bay. As a result, we need a stricter pollution diet," said Jeff Horstman, Midshore Riverkeeper. "We have very concentrated areas of agricultural pollution requiring specific clean up actions. By circumventing their duty and simply applying the Bay TMDL to our rivers, the EPA and MDE hamper our ability to clean our rivers."

Earthjustice is filing the lawsuit on behalf of Waterkeepers Chesapeake and member organizations, which include Blue Water Baltimore (Baltimore Harbor Waterkeeper), Chester River Association (Chester Riverkeeper), Gunpowder Riverkeeper, Midshore Riverkeeper Conservancy (Midshore Riverkeeper, Choptank Riverkeeper), and Potomac Riverkeeper Network (Upper Potomac Riverkeeper, Potomac Riverkeeper).

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Waterkeepers Chesapeake is a coalition of eighteen independent programs working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. The coalition amplifies the voices of each Waterkeeper and mobilizes our organizations to fight pollution and champion clean water. The members of Waterkeepers Chesapeake work locally, using grassroots action and advocacy to protect their communities and their waters, as well as regionally to expand each Waterkeeper's capacity for on the water, citizen-based enforcement of environmental laws in the Chesapeake region. Waterkeepers Chesapeake is a member of Waterkeeper Alliance. www.waterkeeperschesapeake.org