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Neighbors and Riverkeeper Challenge Approval of SugarHouse Casino Sewage Plan

Advocates for the Delaware River and the Northern Liberties neighborhood have joined forces to file a legal challenge to the Department of Environmental Protection's approval of a revision to Philadelphia's Sewage Facilities Plan in order to accommodate development of the proposed SugarHouse Casino on the banks of the Delaware River.

The Notice of the Appeal, filed on November 3rd with the state Environmental Hearing Board, asserted, among other things, that DEP's decision to approve the revision in the absence of both key data and sufficient opportunity for public participation was an arbitrary and unreasonable exercise of its authority and an abuse of its discretion under the law.

Adam Cutler, Director of the Public Health and Environmental Justice Law Clinic at the Public Interest Law Center of Philadelphia summed up the challenge as "focusing on a failure by the DEP to ensure that public had an opportunity to comment based upon complete and up-to-date information, its failure to give proper consideration to the impacts of the new resulting discharges of untreated sewage on the Delaware River and the affected neighborhoods, and its failure to give proper consideration to the letter and intent of the permits and policies that regulate the City's existing sewage collection and conveyance systems and discharges to the River."

"The DEP didn't honor the public's right to be involved in the decision-making process and didn't fulfill its obligation to protect our River, environment and community. Therefore, they gave us no choice but to take action to protect our River and communities ourselves" said Maya van Rossum, the Delaware Riverkeeper. "A successful legal challenge not only will prevent the proposed Sugarhouse Casino project from causing more pollution to flow into the River, but also will set a good precedent and send a strong message to other waterfront development projects, such as the Southport Project and new condos."

According to Delaware Riverkeeper Network Attorney Elizabeth Koniers Brown, "The city already has a serious problem with combined sewer overflows (CSOs), which dump untreated sewage into the Delaware River during heavy rains -- in violation of EPA guidelines. This permit will potentially exacerbate the problem."

Matt Ruben, President of the Northern Liberties Neighbors Association, expressed alarm that "the DEP and Water Department would sacrifice the public interest to expedite casino development." Northern Liberties resident Hilary Regan added, "That is simply not okay with us. The City and Commonwealth should protect their citizens, not just big business."

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"Putting aside the issue of the casino, there is a great deal of development projected for that area of the riverfront that the Water Department and DEP haven't addressed," said van Rossum. "Hopefully this action will encourage the Water Department and DEP to develop real solutions to the potential harms."

The Notice of Appeal was filed with the Environmental Hearing Board on November 3rd and sets out 11 paragraphs supporting the revocation of DEP's approval.

The SugarHouse casino complex would be built at 941-1025 North Delaware Avenue, Philadelphia, PA by HSP Gaming, L.P. The proposed development includes construction on the banks of the Delaware River and within the Delaware, including dredging, filling and bulkheading along the river.

The SugarHouse project has long been opposed by residents, river advocates as well as city and state elected officials. Modification to the City's Sewage Facilities Plan, as well as permitting from the Army Corps of Engineers, is necessary for the project to move forward to construction.