



For Immediate Release

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**Lawsuit Threatened if US EPA Fails to Take Action
Against New Pennsylvania Law**

Philadelphia, PA - Late yesterday, August 22nd, the US Environmental Protection Agency received a 60 day Notice of Intent to Sue from the Pine Creek Valley Watershed Association, the Raymond Proffitt Foundation, and the Delaware Riverkeeper Network, urging the agency to take action against a recently passed Pennsylvania law, Act 41, that the organizations say violates federal law and therefore must be struck down.

On July 2, 2013, Governor Corbett signed Act 41 into law. This new law establishes that on-lot sewage systems that are in compliance with the Sewage Facilities Act and its regulations automatically satisfy the state's antidegradation regulations. Prior to Act 41, the Sewage Facilities regulations required that on-lot septic plan revisions be reviewed by the Pennsylvania Department of Environmental Protection to ensure they are consistent with antidegradation regulations; however, the new law bypasses that requirement. According to the Notice letter, in passing Act 41, "Pennsylvania has adopted state standards that will allow degradation of its waterways in clear violation of Pennsylvania's EPA-approved antidegradation policy." As such, this law brings the state into conflict with the federal Clean Water Act, and as a result, EPA is compelled to take action to strike the law.

The organizations request in their letter that the EPA review and disapprove Act 41 as failing to comply with the federal Clean Water Act, and in its place promulgate new standards for Pennsylvania that specifically override Act 41. If the EPA fails to act, the letter suggests that the three organizations

may bring legal action against the EPA for its failure to perform its legal obligations under the law.

"Act 41 constitutes an irresponsible rollback of environmental rules and regulations, It adversely affects not only our best waters, the trout streams, but also affects all of us who are downstream users of those waters," said **Harlan Snyder of Pine Creek Valley Watershed Association and the Raymond Proffitt Foundation.**

"The Governor did not like a recent ruling from the Environmental Hearing Board that required anti-degradation review of on-lot systems as a source of potential contamination to exceptional value waters, and so rather than comply with the law, the Governor decided he was above the law and could simply rewrite the rules. But he does not have that right, he is not the king, and it is the US Environmental Protection Agency's obligation to ensure that the Clean Water Act is complied with and that all residents of Pennsylvania are protected from such callous disregard of our water protection laws," said **Maya van Rossum, the Delaware Riverkeeper.**

"On-lot septic systems are an appropriate way to manage wastewater, but they must be done right. When on-lot septic systems are not properly sited, constructed or maintained, they can become significant sources of contamination that can degrade the quality of our streams. Pennsylvania law is not a magic wand that makes pollution go away. PA Act 41 denies the state's obligation to ensure that our highest quality waters are not polluted. If the state won't comply with the requirements of federal law by ensuring septic systems protect receiving streams rather than magically presume protection, then it is up to the EPA to make them comply and that is what our notice letter is all about," van Rossum added.

The Delaware Riverkeeper Network, a 501(c)(3) nonprofit environmental organization, has been working since 1988 throughout the four states of the Delaware River watershed including New Jersey, New York, Pennsylvania and Delaware. With more than 10,000 members, the Delaware Riverkeeper Network is a vital force in the Watershed, working to ensure the rich and healthy future that can only exist with a clean, healthy and free-flowing river system.

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