



**For Immediate Release**

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**COURT DISMISSES CASE AGAINST EPA IN THE FACE OF CLEAR ENVIRONMENTAL HARMS**

*Trenton, NJ.* The United States District Court, District of New Jersey, dismissed the Delaware Riverkeeper Network's lawsuit against the Environmental Protection Agency (EPA) finding that EPA does not have a mandatory duty to ensure that New Jersey's federally-delegated stormwater program comply with federal requirements. While the Court said that it "does not doubt the gravity of [the Delaware Riverkeeper Network's] allegation that New Jersey's failure to enforce NPDES permits 'undermines the entire structure of the [Clean Water Act],'" the Court held that the Clean Water Act (CWA) does not provide a remedy to citizen groups seeking to compel EPA to step in and mandate state compliance with the CWA in the face of a failing program.

Over the past decade, New Jersey municipalities have approved many development projects with deficient or absent post construction stormwater plans in violation of the municipalities' Municipal Stormwater General Permit, a CWA permit which New Jersey has elected to administer. Problematically, the New Jersey Department of Environmental Protection (NJDEP) has done nothing to address these violations as its enforcement program is ineffectual. NJDEP, contrary to federal legal requirements, relies on municipalities to self-certify their compliance with the stormwater rules and fails to provide an adequate mechanism to verify compliance information they receive from municipalities. Essentially, the fox is watching the hen house and when farmer inquires as to the health of the hens, the farmer takes the fox at its word.

The Delaware Riverkeeper Network provided EPA with clear evidence documenting the State's grossly deficient enforcement, but EPA has failed to take meaningful action to correct this problem, prompting the Delaware Riverkeeper Network legal action. "This ruling highlights the deficiencies of Clean Water Act to prevent flooding, water quality degradation, and other economic and environmental harms associated with stormwater runoff when both federal and

state agencies fail to enforce clear violations of the Clean Water Act,” says Maya van Rossum, the Delaware Riverkeeper.

“Stormwater runoff creates unnecessary water pollution, flood damages, and erosion that can undermine and damage communities including state and local infrastructure projects. Proper implementation of the law would ensure we avoid the ravages of unnecessary stormwater runoff and hold accountable those developers who take advantage of our communities through faulty development practices. Why should New Jersey residents have to pay for damage created by developers not following the law? Why isn’t New Jersey, in this time of deep financial crisis, ensuring those responsible for the damages are the ones paying for them?” adds van Rossum.

The Delaware Riverkeeper Network is considering all of its legal options as it moves forward following the court’s ruling.

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